

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:)	Mail Stop Appeal Brief - Patents
)	
John K. GALLANT et al.)	Group Art Unit: 2616
)	
Application No.: 09/766,943)	Examiner: I. Moore
)	
Filed: January 22, 2001)	
)	
For: INTELLIGENT POLICY SERVER)	
SYSTEM AND METHOD FOR)	
BANDWIDTH CONTROL IN AN)	
ATM NETWORK)	

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Customer Window, Mail Stop Appeal Brief - Patents
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APPEAL BRIEF

This Appeal Brief is submitted in response to the final Office Action, dated December 11, 2006, and in support of the Notice of Appeal, filed March 29, 2007.

I. **REAL PARTY IN INTEREST**

The real party in interest in this appeal is Verizon Business Global LLC, a wholly-owned subsidiary of Verizon Communications Inc.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

Appellants are unaware of any related appeals, interferences or judicial proceedings.

III. STATUS OF CLAIMS

Claims 1-50 and 54-81 are pending in this application. Claims 51-53 have been canceled without prejudice or disclaimer. Claims 66-81 have been withdrawn due to a restriction requirement.

Claims 1-50 and 54-65 were finally rejected in the final Office Action, dated December 11, 2006, and are the subject of the present appeal. These claims are reproduced in the Claim Appendix of this Appeal Brief.

IV. STATUS OF AMENDMENTS

No amendment was filed subsequent to the final Office Action, dated December 11, 2006. Appellants filed a Request for Reconsideration on March 9, 2007. A subsequent Advisory Action, dated March 23, 2007, indicated that the Request for Reconsideration has been considered, but did not place the application in condition for allowance.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In the paragraphs that follow, a concise explanation of the independent claims, each dependent claim argued separately, and the claims reciting means-plus-function or step-plus-function language that are involved in this appeal will be provided by referring, in parenthesis, to examples of where support can be found in the specification and drawings.

Claim 1 is directed to an intelligent policy server method in an Asynchronous Transfer Mode (ATM) network having an ingress switch (e.g., 104A, Fig. 1) and an egress switch (e.g., 104B, Fig. 1), wherein said ingress switch serves an ingress device (e.g., 106A, Fig. 1) operated by a calling party and said egress switch serves an egress device (e.g., 106B, Fig. 1) operated by a called party, comprising the steps of receiving, in said ingress switch, a signaling message from said ingress device (e.g., 402, Fig. 4A; p. 21, lines 7-9); providing said signaling message to a signaling intercept processor (e.g., 112A, Fig. 1) associated with said ingress switch (e.g., 404, Fig. 4A; p. 21, lines 7-9); propagating said signaling message to a policy server (e.g., 114A, Fig. 4A), said policy server including at least one policy profile associated with a plurality of policy features, each policy profile of the at least one policy profile being associated with a subscriber (e.g., 406, Fig. 4A; p. 21, lines 9-11); determining in said policy server, based at least in part on said signaling message, if a particular policy feature of the plurality of policy features is to be invoked (e.g., 408, Fig. 4A; p. 21, lines 11-17); if so, determining whether a policy condition associated with said particular policy feature is satisfied with respect to said signaling message (e.g., 408, Fig. 4A; p. 21, lines 11-17); and establishing a connection path between said ingress switch and said egress switch based on said determination that said policy condition is satisfied by said signaling message (e.g., 416, Fig. 4B; p. 22, lines 2-4).

Claim 4 recites that the signaling message comprises a Release message (e.g., Fig. 6C; p. 23, lines 1-5; p. 24, lines 3-9; p. 45, lines 1-17).

Claim 6 recites that the particular policy feature comprises a source address validation feature (e.g., 310A, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 27, line 5 to p. 29, line 19).

Claim 7 recites that the particular policy feature comprises a maximum call attempt rate

limit feature (e.g., 310B, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 30, line 1 to p. 31, line 13).

Claim 8 recites that the particular policy feature comprises a destination address screening feature (e.g., 310C, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 31, line 14 to p. 35, line 9).

Claim 9 recites that the particular policy feature comprises a source address screening feature (e.g., 310D, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 35, line 10 to p. 39, line 7).

Claim 10 recites that the particular policy feature comprises a maximum burst size limit feature (e.g., 310E, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 39, line 8 to p. 41, line 5).

Claim 11 recites that the particular policy feature comprises an aggregate bandwidth limit feature (e.g., 310F, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 45, line 18 to p. 48, line 21).

Claim 12 recites that the particular policy feature comprises a service class selection feature (e.g., 310G, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 41, line 6 to p. 43, line 8).

Claim 13 recites that the particular policy feature comprises a maximum concurrent call limit feature (e.g., 310H, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 43, line 9 to p. 45, line 17).

Claim 14 is directed to an Asynchronous Transfer Mode (ATM) network for effectuating intelligent policy features with respect to a call to be established between two parties via a virtual channel connection, comprising an ATM switch serving a customer premises equipment (CPE) operated by a party with respect to said call (e.g., 104A, Fig. 1; p. 14, lines 7-18); a signaling intercept processor associated with said ATM switch for intercepting a signaling message relative to said call (112A, Fig. 1; p. 15, lines 5-22); and a policy server associated with said signaling intercept processor, said policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein said policy server operates to effectuate a particular policy feature of the plurality of

policy features with respect to said call when triggered by said signaling message received from said signaling intercept processor (e.g., 114A, Fig. 1; Fig. 3; p. 16, lines 9-19; p. 19, line 11 to p. 21, line 3).

Claim 17 recites that the signaling message comprises a Release message (e.g., Fig. 6C; p. 23, lines 1-5; p. 24, lines 3-9; p. 45, lines 1-17).

Claim 19 recites that the particular policy feature comprises a source address validation feature for ensuring that said party is an authorized party for accessing said ATM network through a particular network port associated with said CPE (e.g., 310A, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 27, line 5 to p. 29, line 19).

Claim 22 recites that the particular policy feature comprises a maximum call attempt rate limit feature for monitoring the number of Setup messages received from said party over a predetermined period of time (e.g., 310B, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 30, line 1 to p. 31, line 13).

Claim 23 recites that the particular policy feature comprises a destination address screening feature for defining a plurality of addresses to which said party can effectuate said call (e.g., 310C, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 31, line 14 to p. 35, line 9).

Claim 25 recites that the particular policy feature comprises a source address screening feature for defining a plurality of addresses from which said call can be initiated to said party (e.g., 310D, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 35, line 10 to p. 39, line 7).

Claim 27 recites that the particular policy feature comprises a maximum burst size limit feature for limiting a burst-size request associated with said call (e.g., 310E, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 39, line 8 to p. 41, line 5).

Claim 31 recites that the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by said party (e.g., 310G, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 41, line 6 to p. 43, line 8).

Claim 32 recites that the service class comprises a constant bit-rate (CBR) service (p. 41, line 7 to p. 42, line 10).

Claim 33 recites that the service class comprises a variable bit-rate (VBR) service (p. 41, line 7 to p. 42, line 10).

Claim 36 recites that the service class comprises an unspecified bit-rate (UBR) service (p. 41, line 7 to p. 42, line 10).

Claim 37 recites that the service class comprises an available bit-rate (ABR) service (p. 41, line 7 to p. 42, line 10).

Claim 38 recites that the particular policy feature comprises a maximum concurrent call limit feature for specifying the total number of calls allowed concurrently with respect to a network port used by said party (e.g., 310H, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 43, line 9 to p. 45, line 17).

Claim 39 is directed to a computer-readable medium operable with an Asynchronous Transfer Mode (ATM) network node, said computer-readable medium carrying a sequence of instructions provided for executing service logic which, when executed by a processing entity associated with said ATM network node, causes said ATM network node to perform a method comprising upon receiving in said ATM network node a signaling message with respect to a call from a party, propagating said signaling message to a policy server operably associated with said ATM network node (406, Fig. 4A; p. 21, lines 9-11); and upon determining that a policy

condition associated with a particular policy feature to be invoked is satisfied with respect to said signaling message, effectuating a treatment for said call based on said particular policy feature, the particular policy feature including at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers (408, 410, Fig. 4A; p. 21, lines 11-21).

Claim 44 recites that the signaling message comprises a Release message (e.g., Fig. 6C; p. 23, lines 1-5; p. 24, lines 3-9; p. 45, lines 1-17).

Claim 49 recites that the particular policy feature signaling message comprises a maximum call attempt rate limit feature for monitoring the number of Setup messages received from said party over a predetermined period of time (e.g., 310B, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 30, line 1 to p. 31, line 13).

Claim 58 recites that the particular policy feature comprises a service class selection feature for specifying a service class with respect to a particular network port used by said party (e.g., 310G, Fig. 3; p. 19, line 16 to p. 20, line 7; p. 41, line 6 to p. 43, line 8).

Claim 59 recites that the service class comprises a constant bit-rate (CBR) service (p. 41, line 7 to p. 42, line 10).

Claim 60 recites that the service class comprises a variable bit-rate (VBR) service (p. 41, line 7 to p. 42, line 10).

Claim 63 recites that the service class comprises an unspecified bit-rate (UBR) service (p. 41, line 7 to p. 42, line 10).

Claim 64 recites that the service class comprises an available bit-rate (ABR) service (p. 41, line 7 to p. 42, line 10).

VI. GROUND S OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1-3, 5, 11, 12, 14-16, 18, and 31 stand rejected under 35 U.S.C. § 102(e) as anticipated by BUYUKKOC et al. (U.S. Patent No. 6,463,062).

B. Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of NOAKE et al. (U.S. Patent No. 6,751,222).

C. Claims 6, 8, 9, 19-21, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of CHRISTIE et al. (U.S. Patent No. 6,690,656).

D. Claims 7 and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of FARRIS et al. (U.S. Patent No. 6,154,445).

E. Claim 10 stands rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of VANDERVORT et al. (U.S. Patent No. 5,761,191).

F. Claim 10 stands rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of HORN et al. (U.S. Patent No. 5,276,676).

G. Claims 13 and 38 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of BASSO et al. (U.S. Patent No. 6,633,539).

H. Claims 24 and 26 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of CHRISTIE et al. and further in view of GAI et al. (U.S. Patent No. 6,167,445).

I. Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of KOBAYASHI et al. (U.S. Patent No. 5,896,371).

J. Claim 30 stands rejected under 35 U.S.C. § 103(a) as unpatentable over

BUYUKKOC et al. in view of SMITH et al. (U.S. Patent No. 6,222,823).

K. Claims 32-37 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of KILKKI et al. (U.S. Patent No. 6,041,039).

L. Claims 39-43, 45, 50, and 58 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al.

M. Claim 44 stands rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of NOAKE et al.

N. Claims 46-48 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of CHRISTIE et al.

O. Claim 49 stands rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of FARRIS et al.

P. Claims 54-56 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of KOBAYASHI et al.

Q. Claim 57 stands rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of SMITH et al.

R. Claims 59-64 stand rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of KILKKI et al.

S. Claim 65 stands rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of GAI et al. and further in view of BASSO et al.

VII. ARGUMENTS

A. The rejection under 35 U.S.C. § 102(e) based on BUYUKKOC et al. (U.S.

Patent No. 6,463,062) should be reversed.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 U.S.P.Q.2d 1443 (Fed. Cir. 1992). A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987).

1. Claims 1-3 and 5.

Independent claim 1 is directed to an intelligent policy server method in an Asynchronous Transfer Mode (ATM) network having an ingress switch and an egress switch, wherein said ingress switch serves an ingress device operated by a calling party and said egress switch serves an egress device operated by a called party. The method includes receiving, in said ingress switch, a signaling message from said ingress device; providing said signaling message to a signaling intercept processor associated with said ingress switch; propagating said signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, each policy profile of the at least one policy profile being associated with a subscriber; determining in said policy server, based at least in part on said signaling message, if a particular policy feature of the plurality of policy features is to be invoked; if so, determining whether a policy condition associated with said particular policy feature is satisfied with respect to said signaling message; and establishing a connection path between said ingress switch and said egress switch based on said determination that said policy condition is satisfied by said signaling message. BUYUKKOC et al. does not disclose or suggest this combination of features.

For example, BUYUKKOC et al. does not disclose or suggest propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber. The Examiner relies on BUYUKKOC et al.'s routing status database (RSD) server 730 as corresponding to the recited policy server (final Office Action, pp. 3 and 27). The Examiner further relies on col. 14, line 9, to col. 15, line 50, col. 10, lines 10-20, col. 11, lines 1-16, and col. 13, lines 1-6 and 29-67, of BUYUKKOC et al. for allegedly disclosing the above features of claim 1 (final Office Action, pp. 3 and 27). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

BUYUKKOC et al. discloses that RSD server 730 contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic (see, for example, col. 14, lines 9-25). BUYUKKOC et al. does not disclose or suggest, however, that RSD server 730 includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 1. In fact, as evident from BUYUKKOC et al.'s Tables VII-IX, RSD server 730 stores information regarding the status of links and routes in ATM network 20, which is not associated with a subscriber.

At col. 14, line 9, to col. 15, line 50, BUYUKKOC et al. discloses the contents of the

routing status database. As indicated above, BUYUKKOC et al. discloses that the routing status database includes some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic (see, for example, col. 14, lines 9-25). Nowhere in this section of BUYUKKOC et al. or elsewhere does BUYUKKOC et al. disclose or suggest that RSD 730 includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 1.

At col. 10, lines 10-20, BUYUKKOC et al. discloses:

The small size of the tables in each edge node that maintains information about the traffic contributed to the network by that edge node makes frequent updates and fast routing decisions easier to implement. The computation and control functionality that has been described above can be placed either in the edge node or in a closely linked adjunct. The CFNI functionality can reside in a specially designated edge node, a network database such as a signal control point (SCP), or a stand-alone network element. The CFNI can be replicated for reliability, and it can also be implemented in a distributed manner.

This section of BUYUKKOC et al. discloses that edge nodes maintain information about traffic contributed by the edge nodes. This section of BUYUKKOC et al. does not disclose or suggest that the routing status database server, which the Examiner alleges corresponds to the recited policy server, includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 1. In

fact, this section of BUYUKKOC et al. does not even mention the routing status database server or policy profiles.

At col. 11, lines 1-16, BUYUKKOC et al. discloses:

... the RSD on a per-call basis, and using default routes for a particular destination, where the default route may be changed from time to time by the RSD to reflect changing network conditions.

The RSD may be used in conjunction with a number of other innovations. For example, the RSD may be used in conjunction with a service control point (SCP) of an Intelligent network. An SCP determines an appropriate destination for a call having more than one possible destination, such as a call to the 800 number of a large customer that may be routed to one of a number of regional service centers, based on factors such as the availability of representatives in the various service centers. The RSD may be accessed after an SCP or at the same time as an SCP, and the same server may provide RSD and SCP functionality.

Centralized routing is contrary to the current networking

This section of BUYUKKOC et al. discloses that the route status database may be used in conjunction with a service control point (SCP). This section of BUYUKKOC et al. does not disclose or suggest that the routing status database server, which the Examiner alleges corresponds to the recited policy server, includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as would be required by claim 1 based on the Examiner's interpretation of BUYUKKOC et al. In fact, this section of BUYUKKOC et al. does not even mention policy profiles.

At col. 13, lines 1-6, BUYUKKOC et al. discloses:

... when a new call is originated, and provides CRSDS 630 with the origin and destination of the call. CRSDS 630 decides how to route the call, based on the status of the pre-determined routes, preferably selecting the least congested of the predetermined routes for the origin destination pair, and communicates this decision to the querying edge

This section of BUYUKKOC et al. discloses that a central routing status database server (CRSDS) decides how to route a call based on the status of pre-determined routes. This section of BUYUKKOC et al. does not disclose or suggest that the CRSDS, which the Examiner alleges corresponds to the recited policy server, includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as would be required by claim 1 based on the Examiner's interpretation of BUYUKKOC et al. In fact, this section of BUYUKKOC et al. does not even mention policy profiles.

At col. 13, lines 29-67, BUYUKKOC et al. discloses:

Optionally, each backbone ATM switch 710 is connected to an RRSDS by a link 760. Each RRSDS is connected to a CRSDS 730 by a link 770.

The architecture of FIG. 7 may be used in ways similar to that of FIG. 6. However, edge nodes 720 and optionally backbone ATM nodes 710 track information regarding bandwidth usage, and transmit this information to RRSDSs 740. RRSDSs forward the information to CRSDS 730, preferably aggregating the information before forwarding. For example, a particular RRSDS 740 may receive information from several edge nodes 720 regarding the amount of bandwidth that each of the edge nodes uses on a particular β -link 715. RRSDS 740 may aggregate this information into a single piece of information that represents the total bandwidth used on the particular β -link by those edge nodes 720 that are connected to the particular RRSDS 740. CRSDS 730 receives information from each RRSDS 740, and uses this information to compute the total bandwidth usage on each α -link and each β -link.

In a fourth of the second group of embodiments usage information is then preferably distributed to the RRSDSs 740, where it is used to compute route congestion status. Preferably, each RRSDS 740 only computes route congestion status for those routes that originate at edge nodes 720 that are connected to the particular RRSDS 740. Edge nodes query the RRSDS to which they are connected to establish how a call should be routed. The fourth of the second group of embodiments is similar to the second of the second group of embodiments. However, there are several RRSDSs 740 that respond to queries from edge nodes 720, instead of a single CRSDS. The fourth embodiment advantageously

distributes the burden of responding to such queries, reducing the burden on CRSDS 730, and also reducing bandwidth usage in the network used to carry the queries by reducing the average distance that a query must travel.

The architecture of FIG. 7 may also be used in other ways, similar to those described for the architecture of FIG. 6. For example, the calculation of route congestion status may occur at CRSDS 730, RRSDSs 740, or edge nodes 720.

This section of BUYUKKOC et al. discloses an embodiment that includes several regional routing status database servers (RRSDSs) for making routing decisions. This section of BUYUKKOC et al. does not disclose or suggest that the RRSDSs, which the Examiner alleges corresponds to the recited policy server, include at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as would be required by claim 1 based on the Examiner's interpretation of BUYUKKOC et al. In fact, this section of BUYUKKOC et al. does not even mention policy profiles.

In response to the above arguments, the Examiner alleges:

a quality of service rule/policy is one of the rule/policy associated with a call, where a call is associated with a user/subscriber

and points to col. 14, lines 35-64, of BUYUKKOC et al. for support (final Office Action, pp. 3 and 27).

Col. 14, lines 35-64, of BUYUKKOC et al. is discussed above. With respect to quality of service, this section of BUYUKKOC et al. discloses:

While Table VII only shows 2 congestion thresholds that define 3 congestion status for each link, many more thresholds and congestion status may be defined to allow for load balancing, overload control, and priorities for different quality-of-service traffic

(col. 14, lines 60-64). Contrary to the Examiner's allegations, this section BUYUKKOC et al. in

no way discloses or suggests propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber, as recited in claim 1. At most, this section of BUYUKKOC et al. merely discloses that more than 3 congestion thresholds can be defined to allow for priorities for different quality of service traffic.

With respect to the above arguments, the Examiner points to portions of Appellants' specification (in the Summary of the Invention section in particular), which discloses that a policy server may be associated with an edge switch and that the policy server may be referred to as a Multi-Service Control Point or MSCP (final Office Action, p. 41). The Examiner further points to a section of BUYUKKOC et al. that discloses that the RSD may be used in conjunction with a service control point (SCP) and that a same server may provide RSD and SCP functionality (final Office Action, p. 41). The Examiner then concludes that that it is clear that BUYUKKOC et al.'s RSD is equivalent to the policy server recited in Appellants' claim 1 (final Office Action, p. 41). Appellants submit that the Examiner allegations do not address the above feature of claim 1.

Appellants' claim 1 does not recite that a policy server is referred to as an MSCP. Instead, claim 1 specifically recites propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber. The Examiner's allegations do not address this feature of claim 1.

Moreover, it appears that the Examiner is alleging that Appellants' recited policy server is an MSCP and that BUYUKKOC et al.'s RSD is a SCP; therefore, BUYUKKOC et al.'s RSD

must be equivalent to the policy server recited in Appellants' claim 1. Appellants submit that the Examiner's allegation is flawed.

At the outset, Appellants note that BUYUKKOC et al. in no way discloses or suggests that the RSD is a SCP. In fact, the section of BUYUKKOC et al. that the Examiner relies on for supporting this allegation specifically teaches away from the Examiner's allegation. For example, BUYUKKOC et al. discloses that the RSD may be accessed after an SCP (see, for example, col. 11, lines 13-15, of BUYUKKOC et al.), which clearly indicates that the RSD and the SCP are separate devices.

Appellants' claim 1 specifically recites propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber. The Examiner has not pointed to any section of BUYUKKOC et al. that discloses or suggests that the routing status database (RSD) server or any other device corresponds to this recited policy server.

Further with respect to the above arguments, the Examiner points to portions of Appellants' specification (in the Summary of the Invention section in particular), which discloses exemplary features that may be invoked and executed by the policy server (final Office Action, p. 41). The Examiner also appears to reproduce a large portion of BUYUKKOC et al. that discloses tables representing a sample routing status database (final Office Action, p. 43). The Examiner then concludes that that it is:

clear that the applicant exemplary policy/rule/plan features of a policy profile such as "burst-size limit, class-of-service provisioning, maximum concurrent call connections in progress, bandwidth control" clearly disclosed by Buyukkoc's SCP policy/rule/administration/guideline/plan/procedure/scheme having plurality of

features such as bandwidth control/management, class-of-service, and/or loading/congestion of network (i.e. concurrent calls connection in progress) as defined in detailed by tables VII-IX

(final Office Action, p. 41). Appellants disagree with the Examiner's allegations.

As set forth in detail above, BUYUKKOC et al. discloses that RSD server 730 contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic (see, for example, col. 14, lines 9-25). BUYUKKOC et al. does not disclose or suggest that RSD server 730 includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber, as recited in claim 1. In fact, as evident from BUYUKKOC et al.'s Tables VII-IX, RSD server 730 stores information regarding the status of links and routes in ATM network 20, which is not associated with a subscriber.

Further with respect to the above arguments, the Examiner alleges:

It is also clear that applicant "one policy profile" is disclosed by Buyukkoc as "quality of service or priority of a new request call" where a new call has a priority associated with different quality of service, and RCD invokes "priority or quality-of-service" rule/policy such as "green", "yellow" or "red" for establishing a call based on its request

(final Office Action, p. 44). Appellants respectfully disagree with the Examiner's allegations.

BUYUKKOC et al. does not disclose or suggest that the routing status database invokes a priority or quality of service rule/policy, such as green, yellow, or red for establishing a call, as

the Examiner alleges. Instead, BUYUKKOC et al. specifically discloses that the routing status database may contain information representing the congestion of each α -link and may represent the congestion with a color – green, yellow, or red (see, for example, col. 14, lines 26-44). These colors do not represent a priority rule/policy or quality of service rule/policy, as the Examiner alleges. The Examiner's allegations do not remedy the fact that BUYUKKOC et al. does not disclose or suggest propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber, as recited in claim 1.

Since BUYUKKOC et al. does not disclose or suggest propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber, BUYUKKOC et al. cannot disclose or suggest determining in the policy server, based at least in part on the signaling message, if a particular policy feature of the plurality of policy features is to be invoked; if so, determining whether a policy condition associated with the particular policy feature is satisfied with respect to the signaling message; and establishing a connection path between the ingress switch and the egress switch based on the determination that the policy condition is satisfied by the signaling message, as also recited in claim 1.

For at least the foregoing reasons, Appellants submit that the rejection of claim 1 under 35 U.S.C. § 102(e) based on BUYUKKOC et al. is improper. Accordingly, Appellants request that the rejection be reversed.

Claims 2, 3, and 5 depend from claim 1. Therefore, Appellants respectfully request that the rejection of these claims under 35 U.S.C. § 102(e) based on BUYUKKOC et al. be reversed for at least the reasons given above with respect to claim 1.

2. Claim 11.

Claim 11 depends from claim 5. Therefore, this claim is not anticipated by BUYUKKOC et al. for at least the reasons given above with respect to claim 5. Moreover, this claim recites an additional feature not disclosed or suggested by BUYUKKOC et al.

Claim 11 recites that the particular policy feature comprises an aggregate bandwidth limit feature. The Examiner relies on col. 17, lines 30-40, and col. 13, lines 45-47, of BUYUKKOC et al. for allegedly disclosing the above feature of claim 11 (final Office Action, p. 5). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

At col. 17, lines 30-40, of BUYUKKOC et al. discloses:

RSD:

A new call arrives at originating switch 270, which determines that the call is destined for switch 220. The (origination, destination) information is passed to the RSD, which contains the information shown in Tables VII-IX. If there are different possible bandwidth requirements for different types of calls, the bandwidth requirement is preferably also passed to the RSD. The RSD uses the information in Table IX to determine that the best route from switch 220 to switch 270 is B2, with a congestion status of "green." The RSD then increments the current usage and congestion....

This section of BUYUKKOC et al. discloses that the routing status database may receive a bandwidth requirement. BUYUKKOC et al. does not disclose or suggest, however, that the routing status database, which the Examiner alleges corresponds to the recited policy server, includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber and where the

plurality of policy features includes a particular policy feature comprising an aggregate bandwidth limit feature, as would be required by the Examiner's interpretation of claim 11. In fact, this section of BUYUKKOC et al. teaches away from this feature of claim 11. That is, if BUYUKKOC et al.'s routing status database could reasonably be construed as corresponding to the recited policy server, which includes at least one policy profile associated with a plurality of policy features, where the plurality of policy features includes a particular policy feature comprising an aggregate bandwidth limit feature, then there would be no need for the routing status database to receive the bandwidth requirements as indicated in the passage above since the routing status database would already contain this information. Thus, the Examiner's interpretation of BUYUKKOC et al. is flawed.

At col. 13, lines 45-47, BUYUKKOC et al. discloses:

... receives information from each RRSDS 740, and uses this information to compute the total bandwidth usage on each α -link and each β -link.

This section of BUYUKKOC et al. discloses that a centralized routing status database server may compute a total bandwidth usage on each link. BUYUKKOC et al. does not disclose or suggest, however, that the routing status database, which the Examiner alleges corresponds to the recited policy server, includes at least one policy profile associated with a plurality of policy features, where each policy profile of the at least one policy profile is associated with a subscriber and where the plurality of policy features includes a particular policy feature comprising an aggregate bandwidth limit feature, as would be required by the Examiner's interpretation of claim 11.

For at least the foregoing reasons, Appellants submit that the rejection of claim 11 under 35 U.S.C. § 102(e) based on BUYUKKOC et al. is improper. Accordingly, Appellants request that the rejection be reversed.

3. Claim 12.

Claim 12 depends from claim 5. Therefore, this claim is not anticipated by BUYUKKOC et al. for at least the reasons given above with respect to claim 5. Moreover, this claim recites an additional feature not disclosed or suggested by BUYUKKOC et al.

Claim 12 recites that the particular policy feature comprises a service class selection feature. The Examiner relies on col. 10, lines 50-55, and col. 18, lines 26-45, of BUYUKKOC et al. for allegedly disclosing the above feature of claim 12 (final Office Action, p. 5). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

At col. 10, lines 50-55, BUYUKKOC et al. discloses:

... database in conjunction with the DVP routing mechanism of the first group of embodiments.

The RSD is adapted to perform out-of-network routing, class-of-service and capacity management in a packet transport network. Contrary to current trends, the RSD performs these functions in a logically centralized manner.

This section of BUYUKKOC et al. discloses that the RSD performs out-of-network routing, class-of-service, and capacity management in a packet transport network. This section of BUYUKKOC et al. in no way discloses or suggests determining in a policy server, based at least in part on a signaling message, if a particular policy feature of a plurality of policy features is to be invoked, where the particular policy feature comprises a service class selection feature, as recited in claim 12.

At col. 18, lines 26-45, BUYUKKOC et al. discloses:

Using Method 8, for example, the originating edge node passes a class-of-service indicator to the RSD in addition to the origination and destination information for the call. The RSD uses the Route Status in Table IX to give priority to the more important calls. For example, if the Route Status is Green, any call can use the route. If the status is Yellow, only high priority calls can use the route, and if the

status is Red, only the most critical calls can use the route. This example may be generalized to additional congestion status levels. Alternatively, the RSD can route only a fraction of calls of lower priority on more congested routes. For example, if the Route Status is yellow, then a rule might be that 25% of low priority calls and all of the high priority calls can use the route. Algorithms similar to those used in AT&Ts Advanced Routing Service (ARS), which uses period status update information to balance the traffic distributed to several groups of call attendants or agents, may be used to balance the load across the possible paths. The ARS is described in U.S. Pat. No. 5,530,744, which is incorporated by reference.

This section of BUYUKKOC et al. discloses an originating edge node passing a class-of-service indicator to the RSD. This section of BUYUKKOC et al. in no way discloses or suggests determining in a policy server, based at least in part on a signaling message, if a particular policy feature of a plurality of policy features is to be invoked, where the particular policy feature comprises a service class selection feature, as recited in claim 12.

For at least the foregoing reasons, Appellants submit that the rejection of claim 12 under 35 U.S.C. § 102(e) based on BUYUKKOC et al. is improper. Accordingly, Appellants request that the rejection be reversed.

4. Claims 14-16 and 18.

Independent claim 14 is directed to an Asynchronous Transfer Mode (ATM) network for effectuating intelligent policy features with respect to a call to be established between two parties via a virtual channel connection. The ATM network comprises an ATM switch serving a customer premises equipment (CPE) operated by a party with respect to the call; a signaling intercept processor associated with the ATM switch for intercepting a signaling message relative to the call; and a policy server associated with the signaling intercept processor, the policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate

a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor.

BUYUKKOC et al. does not disclose or suggest this combination of features.

For example, BUYUKKOC et al. does not disclose or suggest a policy server associated with the signaling intercept processor, the policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor. The Examiner relies on BUYUKKOC et al.'s routing status database (RSD) server 730 as corresponding to the recited policy server (final Office Action, p. 4). The Examiner further relies on col. 14, line 9, to col. 15, line 50, col. 10, lines 10-20, col. 11, lines 1-16, and col. 13, lines 1-6 and 29-67, of BUYUKKOC et al. for allegedly disclosing the above features of claim 1 (final Office Action, p. 4). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

BUYUKKOC et al. discloses that RSD server 730 contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic (see, for example, col. 14, lines 9-25). BUYUKKOC et al. does not disclose or suggest, however, that RSD server 730 is associated with a signaling intercept processor, where RSD server 730 includes at least one policy profile

associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein RSD server 730 operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 14. In fact, as evident from BUYUKKOC et al.'s Tables VII-IX, RSD server 730 stores information regarding the status of links and routes in ATM network 20, which is not associated with a subscriber.

At col. 14, line 9, to col. 15, line 50, BUYUKKOC et al. discloses the contents of the routing status database. As indicated above, BUYUKKOC et al. discloses that the routing status database includes some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic (see, for example, col. 14, lines 9-25). Nowhere in this section of BUYUKKOC et al. or elsewhere does BUYUKKOC et al. disclose or suggest that RSD server 730 is associated with a signaling intercept processor, where RSD server 730 includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein RSD server 730 operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 14.

Col. 10, lines 10-20, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al. discloses that edge nodes maintain information about traffic contributed by the edge nodes. This section of BUYUKKOC et al. does not disclose or suggest that RSD server 730 is associated with the signaling intercept processor, where RSD server 730 includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein RSD server 730 operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 14. In fact, this section of BUYUKKOC et al. does not even mention the routing status database server or policy profiles.

Col. 11, lines 1-16, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al. discloses that the route status database may be used in conjunction with a service control point (SCP). This section of BUYUKKOC et al. does not disclose or suggest that RSD server 730 is associated with the signaling intercept processor, where RSD server 730 includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein RSD server 730 operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 14. In fact, this section of BUYUKKOC et al. does not even mention policy profiles.

Col. 13, lines 1-6, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al. discloses that a central routing status database server (CRSDS) decides how

to route a call based on the status of pre-determined routes. This section of BUYUKKOC et al. does not disclose or suggest that RSD server 730 is associated with the signaling intercept processor, where RSD server 730 includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein RSD server 730 operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 14. In fact, this section of BUYUKKOC et al. does not even mention policy profiles.

Col. 13, lines 29-67, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al. discloses an embodiment that includes several regional routing status database servers (RRSDs) for making routing decisions. This section of BUYUKKOC et al. does not disclose or suggest that RSD server 730 is associated with the signaling intercept processor, where RSD server 730 includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein RSD server 730 operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 14. In fact, this section of BUYUKKOC et al. does not even mention policy profiles.

In response to the similar arguments presented with respect to claim 1, the Examiner alleges:

a quality of service rule/policy is one of the rule/policy associated with a call,
where a call is associated with a user/subscriber

and points to col. 14, lines 35-64, of BUYUKKOC et al. for support (final Office Action, pp. 3

and 27).

Col. 14, lines 35-64, of BUYUKKOC et al. is discussed above. With respect to quality of service, this section of BUYUKKOC et al. discloses:

While Table VII only shows 2 congestion thresholds that define 3 congestion status for each link, many more thresholds and congestion status may be defined to allow for load balancing, overload control, and priorities for different quality-of-service traffic

(col. 14, lines 60-64). Contrary to the Examiner's allegations, this section BUYUKKOC et al. in no way discloses or suggests RSD server 730 is associated with the signaling intercept processor, where RSD server 730 includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein RSD server 730 operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 14. At most, this section of BUYUKKOC et al. merely discloses that more than 3 congestion thresholds can be defined to allow for priorities for different quality of service traffic.

With respect to the above arguments, the Examiner points to portions of Appellants' specification (in the Summary of the Invention section in particular), which discloses that a policy server may be associated with an edge switch and that the policy server may be referred to as a Multi-Service Control Point or MSCP (final Office Action, p. 41). The Examiner further points to a section of BUYUKKOC et al. that discloses that the RSD may be used in conjunction with a service control point (SCP) and that a same server may provide RSD and SCP functionality (final Office Action, p. 41). The Examiner then concludes that it is clear that BUYUKKOC et al.'s RSD is equivalent to the policy server recited in Appellants' claim 1 (and

presumably claim 14) (final Office Action, p. 41). Appellants submit that the Examiner allegations do not address the above feature of claim 14.

Appellants' claim 14 does not recite that a policy server is referred to as an MSCP. Instead, claim 14 specifically recites a policy server that is associated with the signaling intercept processor, where the policy server includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor. The Examiner's allegations do not address this feature of claim 14.

Moreover, it appears that the Examiner is alleging that Appellants' recited policy server is an MSCP and that BUYUKKOC et al.'s RSD is a SCP; therefore, BUYUKKOC et al.'s RSD must be equivalent to the policy server recited in Appellants' claim 14. Appellants submit that the Examiner's allegation is flawed.

At the outset, Appellants note that BUYUKKOC et al. in no way discloses or suggests that the RSD is a SCP. In fact, the section of BUYUKKOC et al. that the Examiner relies on for supporting this allegation specifically teaches away from the Examiner's allegation. For example, BUYUKKOC et al. discloses that the RSD may be accessed after an SCP (see, for example, col. 11, lines 13-15, of BUYUKKOC et al.), which clearly indicates that the RSD and the SCP are separate devices.

Appellants' claim 14 specifically recites that a policy server is associated with the signaling intercept processor, where the policy server includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with

a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor. The Examiner has not pointed to any section of BUYUKKOC et al. that discloses or suggests that the routing status database (RSD) server or any other device corresponds to this recited policy server.

Further with respect to the above arguments, the Examiner points to portions of Appellants' specification (in the Summary of the Invention section in particular), which discloses exemplary features that may be invoked and executed by the policy server (final Office Action, p. 41). The Examiner also appears to reproduce a large portion of BUYUKKOC et al. that discloses tables representing a sample routing status database (final Office Action, p. 43). The Examiner then concludes that that it is:

clear that the applicant exemplary policy/rule/plan features of a policy profile such as "burst-size limit, class-of-service provisioning, maximum concurrent call connections in progress, bandwidth control" clearly disclosed by Buyukkoc's SCP policy/rule/administration/guideline/plan/procedure/scheme having plurality of features such as bandwidth control/management, class-of-service, and/or loading/congestion of network (i.e. concurrent calls connection in progress) as defined in detailed by tables VII-IX

(final Office Action, p. 41). Appellants disagree with the Examiner's allegations.

As set forth in detail above, BUYUKKOC et al. discloses that RSD server 730 contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic

(see, for example, col. 14, lines 9-25). BUYUKKOC et al. does not disclose or suggest that RSD server 730 is associated with the signaling intercept processor, where RSD server 730 includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein RSD server 730 operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 14. In fact, as evident from BUYUKKOC et al.'s Tables VII-IX, RSD server 730 stores information regarding the status of links and routes in ATM network 20, which is not associated with a subscriber.

Further with respect to the above arguments, the Examiner alleges:

It is also clear that applicant "one policy profile" is disclosed by Buyukkoc as "quality of service or priority of a new request call" where a new call has a priority associated with different quality of service, and RCD invokes "priority or quality-of-service" rule/policy such as "green", "yellow" or "red" for establishing a call based on its request

(final Office Action, p. 44). Appellants respectfully disagree with the Examiner's allegations.

BUYUKKOC et al. does not disclose or suggest that the routing status database invokes a priority or quality of service rule/policy, such as green, yellow, or red for establishing a call, as the Examiner alleges. Instead, BUYUKKOC et al. specifically discloses that the routing status database may contain information representing the congestion of each α -link and may represent the congestion with a color – green, yellow, or red (see, for example, col. 14, lines 26-44). These colors do not represent a priority rule/policy or quality of service rule/policy, as the Examiner alleges. The Examiner's allegations do not remedy the fact that BUYUKKOC et al. does not disclose or suggest a policy server that is associated with the signaling intercept processor, where

the policy server includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, as would be required by BUYUKKOC et al. based on the Examiner's interpretation of claim 14.

For at least the foregoing reasons, Appellants submit that the rejection of claim 14 under 35 U.S.C. § 102(e) based on BUYUKKOC et al. is improper. Accordingly, Appellants request that the rejection be reversed.

Claims 15, 16, and 18 depend from claim 1. Therefore, Appellants respectfully request that the rejection of these claims under 35 U.S.C. § 102(e) based on BUYUKKOC et al. be reversed for at least the reasons given above with respect to claim 1.

5. Claim 31.

Claim 31 depends from claim 18. Therefore, this claim is not anticipated by BUYUKKOC et al. for at least the reasons given above with respect to claim 18. Moreover, this claim recites an additional feature not disclosed or suggested by BUYUKKOC et al.

Claim 31 recites that the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party. The Examiner relies on col. 10, lines 50-55, col. 18, lines 26-45, col. 20, lines 1-10, and element 932 in Fig. 9 of BUYUKKOC et al. for allegedly disclosing the above feature of claim 31 (final Office Action, p. 6). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

Col. 10, lines 50-55, of BUYUKKOC et al. is reproduced above. This section of

BUYUKKOC et al. discloses that the RSD performs out-of-network routing, class-of-service, and capacity management in a packet transport network. This section of BUYUKKOC et al. in no way discloses or suggests a policy server that is associated with the signaling intercept processor, where the policy server includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, as recited in claim 31.

Col. 18, lines 26-45, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al. discloses an originating edge node passing a class-of-service indicator to the RSD. This section of BUYUKKOC et al. in no way discloses or suggests a policy server that is associated with the signaling intercept processor, where the policy server includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, as recited in claim 31.

At col. 20, lines 1-10, BUYUKKOC et al. discloses:

...TDM switch 914. Network 900 also includes ATM switches 922 and 924, which are analogous to the edge nodes of FIGS. 1-7. ATM switch 922 is

connected to TDM switches 912 and 916 by TDM trunks 932 and 936, respectively. ATM switch 924 is connected to TDM switches 914 and 918 by TDM trunks 934 and 938, respectively. ATM switches 922 and 924 are adapted to terminate TDM trunks 932, 934, 936 and 938 for connectivity to TDM switches, as well as ATM Virtual Path (VP)/Virtual Channel (VC) connections 942, 944, 946 and 948 for connectivity to backbone

This section of BUYUKKOC et al. discloses ATM switches 922 and 924 that are adapted to terminate TDM trunks 932, 934, 936, and 938. This section of BUYUKKOC et al. in no way discloses or suggests a policy server that is associated with the signaling intercept processor, where the policy server includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, as recited in claim 31.

Element 932 in Fig. 9 of BUYUKKOC et al. corresponds to a TDM trunk. BUYUKKOC et al.'s TDM trunk 932 does not correspond to a policy server that is associated with the signaling intercept processor, where the policy server includes at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, as recited in claim 31.

For at least the foregoing reasons, Appellants submit that the rejection of claim 31 under

35 U.S.C. § 102(e) based on BUYUKKOC et al. is improper. Accordingly, Appellants request that the rejection be reversed.

B. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062) and NOAKE et al. (U.S. Patent No. 6,751,222) should be reversed.

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 U.S.P.Q.2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner must provide a factual basis to support the conclusion of obviousness. In re Warner, 379 F.2d 1011, 154 U.S.P.Q. 173 (CCPA 1967). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by Graham v. John Deere Co., 86 S.Ct. 684, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007). The Examiner is also required to explain how and why one having ordinary skill in the art would have been realistically motivated to modify an applied reference and/or combine applied references to arrive at the claimed invention. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988).

1. Claim 4.

Claim 4 depends from claim 1. The disclosure of NOAKE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 1. Therefore, Appellants submit that claim 4 is patentable over BUYUKKOC et al. and NOAKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Moreover, this claim is patentable over BUYUKKOC et al. and

NOAKE et al. for reasons of its own.

Claim 4 recites that the signaling message comprises a Release message. The Examiner admits that BUYUKKOC et al. does not disclose this feature (final Office Action, p. 6). The Examiner relies on Fig. 4 and col. 8, lines 9-39, of NOAKE et al. for allegedly disclosing a signaling message that comprises a Release message (final Office Action, p. 6). While these sections of NOAKE et al. appear to disclose a Release message, Appellants submit that claim 4 includes more than the mere recitation of a Release message. Claim 4, which includes the features of claim 1, recites propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked. NOAKE et al. in no way discloses or suggests these features. Instead, NOAKE et al. merely discloses the transmission of a Release message to an ATM network 220 (col. 8, lines 25-39).

Even assuming, for the sake of argument, that NOAKE et al. could reasonably be construed as disclosing propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked (a point that Appellants do not concede), Appellants submit that one skilled in the art would not have been motivated to incorporate this alleged feature of NOAKE et al. into the BUYUKKOC et al. system, absent impermissible hindsight. With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide a release message, as taught by Noake in the system of Buyukkoc, so that it would make effective use of a band and the

respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and disassembling processes

and points to col. 2, lines 55-64, and col. 8, lines 19-24, of NOAKE et al. for support (final Office Action, p. 6). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Col. 2, lines 55-64, of NOAKE et al. discloses:

In consideration of the aforementioned problems, the present invention aims to make effective use of a band and the respective apparatuses by employing a SVC in an ATM network comprising communication apparatuses such as a PBX, etc. Also, an object of the present invention is to transmit connection information (ring back tone, busy tone, etc.) of a communication apparatus of destinating side during the connection to a communication apparatus of originating side.

Moreover, it is an object of the present invention to count

This section of NOAKE et al. discloses the transmission of connection information from a destination side of the connection to the originating side of the connection. This section of NOAKE et al. does not disclose or suggest why one skilled in the art would incorporate propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises

a Release message, if a particular policy feature of a plurality of policy features is to be invoked, as recited in claim 4, into the BUYUKKOC et al. system. Moreover, this section of NOAKE et al. does not disclose or suggest that incorporating propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked, as recited in claim 4, into the BUYUKKOC et al. system would "make effective use of a band and the respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and disassembling processes," as the Examiner alleges. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

Col. 8, lines 19-24, of NOAKE et al. discloses:

At this time, the ATM signaling interface section 203 designates VPI/VCI with respect to the CLAD section 204 and sends a user VC release indication 705 thereto. The CLAD section 204 stops cell assembling and cell disassembling on the basis of user the VC release indication 705.

This section of NOAKE et al. discloses the transmission of a user virtual channel release indication. This section of NOAKE et al. does not disclose or suggest why one skilled in the art would incorporate propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked, as recited in claim 4, into the BUYUKKOC et al. system. Moreover, this section of NOAKE et al. does not disclose or suggest that incorporating propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a

particular policy feature of a plurality of policy features is to be invoked, as recited in claim 4, into the BUYUKKOC et al. system would "make effective use of a band and the respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and disassembling processes," as the Examiner alleges. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

The Examiner's reliance on *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) and *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971) (final Office Action, p. 29) does not explain why one skilled in the art would reasonably be motivated to incorporate propagating a signaling message, which comprises a Release message, to a policy server and determining in the policy server, based at least in part on the signaling message, which comprises a Release message, if a particular policy feature of a plurality of policy features is to be invoked, as recited in claim 4, into the BUYUKKOC et al. system. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 4 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and NOAKE et al. is improper. Accordingly, Appellants request that the rejection be reversed.

2. Claim 17.

Claim 17 depends from claim 14. The disclosure of NOAKE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, Appellants submit that claim 17 is patentable over BUYUKKOC et al. and NOAKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14. Moreover, this claim is patentable over BUYUKKOC et al. and

NOAKE et al. for reasons of its own.

Claim 17 recites that the signaling message comprises a Release message. The Examiner admits that BUYUKKOC et al. does not disclose this feature (final Office Action, p. 6). The Examiner relies on Fig. 4 and col. 8, lines 9-39, of NOAKE et al. for allegedly disclosing a signaling message that comprises a Release message (final Office Action, p. 6). While these sections of NOAKE et al. appear to disclose a Release message, Appellants submit that claim 17 includes more than the mere recitation of a Release message. Claim 17, which includes the features of claim 14, recites, *inter alia*, a policy server that operates to effectuate a particular policy feature of a plurality of policy features with respect to the call when triggered by the signaling message, which comprises a Release message, received from the signaling intercept processor. NOAKE et al. in no way discloses or suggests these features. Instead, NOAKE et al. merely discloses the transmission of a Release message to an ATM network 220 (col. 8, lines 25-39).

Even assuming, for the sake of argument, that NOAKE et al. could reasonably be construed as disclosing a policy server that operates to effectuate a particular policy feature of a plurality of policy features with respect to the call when triggered by the signaling message, which comprises a Release message, received from the signaling intercept processor (a point that Appellants do not concede), Appellants submit that one skilled in the art would not have been motivated to incorporate this alleged feature of NOAKE et al. into the BUYUKKOC et al. system, absent impermissible hindsight. With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide a release message, as taught by Noake in the system of Buyukkoc, so that it would make effective use of a band and the respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and

disassembling processes

and points to col. 2, lines 55-64, and col. 8, lines 19-24, of NOAKE et al. for support (final Office Action, p. 6). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Col. 2, lines 55-64, of NOAKE et al. is reproduced above. This section of NOAKE et al. discloses the transmission of connection information from a destination side of the connection to the originating side of the connection. This section of NOAKE et al. does not disclose or suggest why one skilled in the art would incorporate a policy server that operates to effectuate a particular policy feature of a plurality of policy features with respect to the call when triggered by the signaling message, which comprises a Release message, received from the signaling intercept processor, as recited in claim 17, into the BUYUKKOC et al. system. Moreover, this section of NOAKE et al. does not disclose or suggest that incorporating a policy server that operates to effectuate a particular policy feature of a plurality of policy features with respect to the call when triggered by the signaling message, which comprises a Release message, received from the signaling intercept processor, as recited in claim 17, into the BUYUKKOC et al. system would

"make effective use of a band and the respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and disassembling processes," as the Examiner alleges. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

Col. 8, lines 19-24, of NOAKE et al. is reproduced above. This section of NOAKE et al. discloses the transmission of a user virtual channel release indication. This section of NOAKE et al. does not disclose or suggest why one skilled in the art would incorporate a policy server that operates to effectuate a particular policy feature of a plurality of policy features with respect to the call when triggered by the signaling message, which comprises a Release message, received from the signaling intercept processor, as recited in claim 17, into the BUYUKKOC et al. system. Moreover, this section of NOAKE et al. does not disclose or suggest that incorporating a policy server that operates to effectuate a particular policy feature of a plurality of policy features with respect to the call when triggered by the signaling message, which comprises a Release message, received from the signaling intercept processor, as recited in claim 17, into the BUYUKKOC et al. system would "make effective use of a band and the respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and disassembling processes," as the Examiner alleges. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

The Examiner's reliance on *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) and *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971) (final Office Action, p. 29) does not explain why one skilled in the art would reasonably be motivated to incorporate a policy server that operates to effectuate a particular policy feature of a plurality of policy features with

respect to the call when triggered by the signaling message, which comprises a Release message, received from the signaling intercept processor, as recited in claim 17, into the BUYUKKOC et al. system. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 17 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and NOAKE et al. is improper. Accordingly, Appellants request that the rejection be reversed.

C. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062) and CHRISTIE et al. (U.S. Patent No. 6,690,656) should be reversed.

1. Claim 6.

Claim 6 depends from claim 5. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 5. Therefore, Appellants submit that claim 6 is patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 5. Moreover, this claim is patentable over BUYUKKOC et al. and CHRISTIE et al. for reasons of their own.

Claim 6 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a source address validation feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on Fig. 7 and col. 7, lines 9-19 and 35-45, of CHRISTIE et al. for allegedly disclosing a source address validation/screening and destination address screening (final Office Action, p. 7). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 6.

Claim 6 specifically recites that the particular policy feature comprises a source address validation feature. Claim 6 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that CHRISTIE et al. allegedly discloses source address validation/screening and destination address screening does not address the features recited in claim 6. That is, the Examiner does not allege, and CHRISTIE et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a source address validation feature. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 6.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to validate/verify the caller number and dial number, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record

and points to col. 3, lines 12-22, and col. 7, lines 39-45, of CHRISTIE et al. for support (final Office Action, pp. 7 and 30). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited

references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a source address validation feature into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database server contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a source address validation feature. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 6 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and CHRISTIE et al. is improper. Accordingly, Appellants request that the rejection be reversed.

2. Claim 8.

Claim 8 depends from claim 5. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 5. Therefore, Appellants submit that claim 6 is patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 5. Moreover, this claim is patentable over BUYUKKOC et al. and CHRISTIE et al. for reasons of their own.

Claim 8 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a destination address screening feature. The Examiner

admits that BUYUKKOC et al. does not disclose this feature and relies on Fig. 7 and col. 7, lines 9-19 and 35-45, of CHRISTIE et al. for allegedly disclosing a source address validation/screening and destination address screening (final Office Action, p. 7). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 8.

Claim 8 specifically recites that the particular policy feature comprises a destination address screening feature. Claim 8 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that CHRISTIE et al. allegedly discloses source address validation/screening and destination address screening does not address the features recited in claim 8. That is, the Examiner does not allege, and CHRISTIE et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a destination address screening feature. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 8.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to validate/verify the caller number and dial number, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record

and points to col. 3, lines 12-22, and col. 7, lines 39-45, of CHRISTIE et al. for support (final Office Action, pp. 7 and 30). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007)

(citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a destination address screening feature into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a destination address screening feature. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 8 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and CHRISTIE et al. is improper. Accordingly, Appellants request that the rejection be reversed.

3. Claim 9.

Claim 9 depends from claim 5. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 5. Therefore, Appellants submit that claim 9 is patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above

with respect to claim 5. Moreover, this claim is patentable over BUYUKKOC et al. and CHRISTIE et al. for reasons of their own.

Claim 9 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a source address screening feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on Fig. 7 and col. 7, lines 9-19 and 35-45, of CHRISTIE et al. for allegedly disclosing a source address validation/screening and destination address screening (final Office Action, p. 7). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 9.

Claim 9 specifically recites that the particular policy feature comprises a source address screening feature. Claim 9 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that CHRISTIE et al. allegedly discloses source address validation/screening and destination address screening does not address the features recited in claim 9. That is, the Examiner does not allege, and CHRISTIE et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a source address screening feature. The Examiner has not established a *prima facie* case of obviousness with respect to claim 9.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to validate/verify the caller number and dial number, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record

and points to col. 3, lines 12-22, and col. 7, lines 39-45, of CHRISTIE et al. for support (Office

Action, pp. 7 and 30). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a source address screening feature into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a source address screening feature. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 9 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and CHRISTIE et al. is improper. Accordingly, Appellants request that the rejection be reversed.

4. Claims 19-21.

Claim 19 depends from claim 18. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 18. Therefore, Appellants submit that claim 19 is patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 18. Moreover, this claim is patentable over BUYUKKOC et al. and CHRISTIE et al. for reasons of their own.

Claim 19 recites that the particular policy feature comprises a source address validation feature for ensuring that the party is an authorized party for accessing the ATM network through a particular network port associated with the CPE. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on Fig. 7 and col. 7, lines 9-19 and 35-45, of CHRISTIE et al. for allegedly disclosing the above feature of claim 19 (final Office Action, p. 7). Appellants respectfully disagree with the Examiner's interpretation of CHRISTIE et al.

Fig. 7 of CHRISTIE et al. depicts processing for an initial address message (IAM) (col. 15, lines 17-23). This figure of CHRISTIE et al. discloses checking a validation table to see if a call should be allowed, which focuses on potential billing problems for the call (col. 15, lines 42-45). This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a source address validation feature for ensuring that the party is an authorized party for accessing the ATM network through a particular network port associated

with the CPE, as recited in claim 19, based on its dependency from claim 14.

At col. 7, lines 9-20, CHRISTIE et al. discloses:

Processor 210 has interface logic which transfers signaling between MTP level 3 and the call/connection manager (CCM). Processor 210 has CCM logic which is able to process the information in the signaling received from the interface. For a typical call, this might include verifying the dialed number, validating the caller, controlling an echo canceller, generating billing information, translating the dialed number, selecting a route for the call, and generating signaling to complete the call. The signaling generated by the CCM would be transported back through the interface for transfer to switches 215 or 225.

This section of CHRISTIE et al. discloses a processor 210 that might verify the dialed number, validate the caller, controlling an echo canceller, generate billing information, translate the dialed number, select a route for the call, and generate signaling to complete the call. This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a source address validation feature for ensuring that the party is an authorized party for accessing the ATM network through a particular network port associated with the CPE, as recited in claim 19, based on its dependency from claim 14.

At col. 7, lines 35-45, CHRISTIE et al. discloses:

As a result, LEC switch 215 would signal the IXC with an SS7 IAM over signaling link 220. Processor 210 would accept the message through its MTP layers and interface. The interface would deliver the signal to the CCM, and the CCM would process the signaling information in the IAM. This may include verifying that the dialed number is legitimate, validating the caller by checking the Automatic Number Identification (ANI), generating a billing record, and

controlling an echo canceller. The CCM could also process the dialed number to select a connection for the call.

This section of CHRISTIE et al. discloses a CCM verifying that the dialed number is legitimate, validating the caller by checking the Automatic Number Identification (ANI), generating a billing record, and controlling an echo canceller. This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a source address validation feature for ensuring that the party is an authorized party for accessing the ATM network through a particular network port associated with the CPE, as recited in claim 19, based on its dependency from claim 14.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to validate/verify the caller number to access the ATM network, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record

and points to col. 3, lines 12-22, and col. 7, lines 39-45, of CHRISTIE et al. for support (Office Action, pp. 7-8). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated

reasoning with some rational underpinning to support the legal conclusion of obviousness.

Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a source address validation feature for ensuring that a party is an authorized party for accessing the ATM network through a particular network port associated with the CPE in the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a source address validation feature for ensuring that a party is an authorized party for accessing the ATM network through a particular network port associated with the CPE in the routing status database, which the Examiner alleges corresponds to the recited policy server. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 19 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and CHRISTIE et al. is improper. Accordingly, Appellants request that the rejection be reversed.

Claims 20 and 21 depend from claim 19. Therefore, Appellants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and CHRISTIE et al. be reversed for at least the reasons given above with respect to claim 19.

5. Claims 23 and 24.

Claim 23 depends from claim 18. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 18. Therefore, Appellants submit that claim 23 is patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 18. Moreover, this claim is patentable over BUYUKKOC et al. and CHRISTIE et al. for reasons of their own.

Claim 23 recites that the particular policy feature comprises a destination address screening feature for defining a plurality of addresses to which the party can effectuate the call. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on Fig. 7 col. 7, lines 9-19 and 35-45, col. 15, lines 40-60, and col. 2, lines 1-15, of CHRISTIE et al. for allegedly disclosing the above feature of claim 23 (final Office Action, p. 8). Appellants respectfully disagree with the Examiner's interpretation of CHRISTIE et al.

Fig. 7 of CHRISTIE et al. depicts processing for an initial address message (IAM) (col. 15, lines 17-23). This figure of CHRISTIE et al. discloses checking a validation table to see if a call should be allowed, which focuses on potential billing problems for the call (col. 15, lines 42-45). This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a destination address screening feature for defining a plurality of addresses to which the party can effectuate the call, as recited in claim 23, based on its

dependency from claim 14.

Col. 7, lines 9-20, of CHRISTIE et al. is reproduced above. This section of CHRISTIE et al. discloses a processor 210 that might verify the dialed number, validate the caller, controlling an echo canceller, generate billing information, translate the dialed number, select a route for the call, and generate signaling to complete the call. This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a destination address screening feature for defining a plurality of addresses to which the party can effectuate the call, as recited in claim 23, based on its dependency from claim 14.

Col. 7, lines 35-45, of CHRISTIE et al. is reproduced above. This section of CHRISTIE et al. discloses a CCM verifying that the dialed number is legitimate, validating the caller by checking the Automatic Number Identification (ANI), generating a billing record, and controlling an echo canceller. This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a destination address screening feature for defining a plurality of addresses to which the party can effectuate the call, as recited in claim 23, based on its

dependency from claim 14.

At col. 15, lines 40-60, CHRISTIE et al. discloses:

Advantageously, this avoids unnecessary look-ups in validation tables for a significant percentage of calls.

If validation is required at 720, a validation table is checked at 725. Validation checks to see if a call should be allowed and focuses on potential billing problems for the call. For example, calls from ANIs that are delinquent on payments pose problems for billing and may not be validated. Validation would entail messaging from the detection point manager through the feature manager and the switching manager to the local resource to access the tables. The table may list authorized ANIs, unauthorized ANIs, or both. If the call is not authorized at 730, treatment (i.e. route to an operator or message) is given to the call at 735.

If the call is authorized at 730, the services identified at 715 are checked at 740 to determine if the call can be routed. This would typically occur for POTS calls. If no additional services are required at 740, the dialed number is translated into a route instruction at 745. The route instruction could be a particular virtual connection in the network. The processing then proceeds to A. If additional services are required at 740, processing proceeds to B.

This section of CHRISTIE et al. discloses checking a validation table to see if a call should be allowed. This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a destination address screening feature for defining a plurality of addresses to which the party can effectuate the call, as recited in claim 23, based on its dependency from claim 14.

At col. 2, lines 1-15, CHRISTIE et al. discloses:

This act of recognition is known as a trigger. The standard telephone number is known colloquially as a plain old telephone service (POTS) number. As such, the switch would generate a signaling message to send to an external database. In SS7, this is a transaction capabilities application part (TCAP) message and is commonly known as a query. The external processor that receives the TCAP query is known as a service control point (SCP). The SCP analyzes the query and typically responds to the switch with the appropriate POTS number. The switch can then process the call in a conventional fashion. Those skilled in the art are aware of the many special call processing features that can be implemented through an SCP.

Thus, it is known in the art that a switch initially receives a call set-up message to begin call processing.

This section of CHRISTIE et al., which corresponds to CHRISTIE et al.'s background section, discloses information regarding how calls relating to a POTS phone are conventionally handled in a telecommunications system. This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a destination address screening feature for defining a plurality of addresses to which the party can effectuate the call, as recited in claim 23, based on its dependency from claim 14.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to validate/verify dial number from the list of number to establish the call, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record

and points to col. 3, lines 12-22, and col. 7, lines 39-45, of CHRISTIE et al. for support (Office Action, p. 8). Appellants submit that the Examiner's allegation is merely a conclusory statement

regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a destination address screening feature for defining a plurality of addresses to which the party can effectuate the call in the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a destination address screening feature for defining a plurality of addresses to which the party can effectuate the call in the routing status database, which the Examiner alleges corresponds to the recited policy server. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 23 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and CHRISTIE et al. is improper. Accordingly, Appellants request that the rejection be reversed.

Claim 24 depends from claim 23. Therefore, Appellants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and CHRISTIE et al. be reversed for at least the reasons given above with respect to claim 23.

6. Claim 25.

Claim 25 depends from claim 18. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 18. Therefore, Appellants submit that claim 25 is patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 18. Moreover, this claim is patentable over BUYUKKOC et al. and CHRISTIE et al. for reasons of their own.

Claim 25 recites that the particular policy feature comprises a source address screening feature for defining a plurality of addresses from which the call can be initiated to the party. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on Fig. 7 col. 7, lines 9-19 and 35-45, col. 15, lines 40-60, and col. 2, lines 1-15, of CHRISTIE et al. for allegedly disclosing the above feature of claim 25 (final Office Action, p. 9). Appellants respectfully disagree with the Examiner's interpretation of CHRISTIE et al.

Fig. 7 of CHRISTIE et al. depicts processing for an initial address message (IAM) (col. 15, lines 17-23). This figure of CHRISTIE et al. discloses checking a validation table to see if a call should be allowed, which focuses on potential billing problems for the call (col. 15, lines 42-45). This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a

particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a source address screening feature for defining a plurality of addresses from which the call can be initiated to the party, as recited in claim 25, based on its dependency from claim 14.

Col. 7, lines 9-20, of CHRISTIE et al. is reproduced above. This section of CHRISTIE et al. discloses a processor 210 that might verify the dialed number, validate the caller, controlling an echo canceller, generate billing information, translate the dialed number, select a route for the call, and generate signaling to complete the call. This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a source address screening feature for defining a plurality of addresses from which the call can be initiated to the party, as recited in claim 25, based on its dependency from claim 14.

Col. 7, lines 35-45, of CHRISTIE et al. is reproduced above. This section of CHRISTIE et al. discloses a CCM verifying that the dialed number is legitimate, validating the caller by checking the Automatic Number Identification (ANI), generating a billing record, and controlling an echo canceller. This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate

a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a source address screening feature for defining a plurality of addresses from which the call can be initiated to the party, as recited in claim 25, based on its dependency from claim 14.

Col. 15, lines 40-60, of CHRISTIE et al. is reproduced above. This section of CHRISTIE et al. discloses checking a validation table to see if a call should be allowed. This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy feature comprises a source address screening feature for defining a plurality of addresses from which the call can be initiated to the party, as recited in claim 25, based on its dependency from claim 14.

Col. 2, lines 1-15, of CHRISTIE et al. is reproduced above. This section of CHRISTIE et al., which corresponds to CHRISTIE et al.'s background section, discloses information regarding how calls relating to a POTS phone are conventionally handled in a telecommunications system. This section of CHRISTIE et al. does not disclose or suggest a policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein the policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to the call when triggered by the signaling message received from the signaling intercept processor, where the particular policy

feature comprises a source address screening feature for defining a plurality of addresses from which the call can be initiated to the party, as recited in claim 25, based on its dependency from claim 14.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to validate/verify caller number from the list of number to initiate a call, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record

and points to col. 3, lines 12-22, and col. 7, lines 39-45, of CHRISTIE et al. for support (Office Action, p. 9). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a source address screening feature for defining a plurality of addresses from which the call can be initiated to the party in the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the

routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a source address screening feature for defining a plurality of addresses from which the call can be initiated to the party in the routing status database, which the Examiner alleges corresponds to the recited policy server. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 25 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and CHRISTIE et al. is improper. Accordingly, Appellants request that the rejection be reversed.

D. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062) and FARRIS et al. (U.S. Patent No. 6,154,445) should be reversed.

1. Claim 7.

Claim 7 depends from claim 5. The disclosure of FARRIS et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 5. Therefore, Appellants submit that claim 7 is patentable over BUYUKKOC et al. and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 5. Moreover, this claim is patentable over BUYUKKOC et al. and FARRIS et al. for reasons of their own.

Claim 7 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a maximum call attempt rate limit feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on col. 14, lines 1-12, and col. 11, lines 5-17, of FARRIS et al. for allegedly disclosing a maximum call attempt rate limit (final Office Action, p. 9). Appellants submit that the Examiner's allegation

does not address the specifically recited features of claim 7.

Claim 7 specifically recites that the particular policy feature comprises a maximum call attempt rate limit feature. Claim 7 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that FARRIS et al. allegedly discloses a maximum call attempt rate limit does not address the features recited in claim 7. That is, the Examiner does not allege, and FARRIS et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum call attempt rate limit feature. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 7.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide acceptable/maximum specified rate of call attempts, as taught by Farris in the system of Buyukkoc, so that it would can detect the predetermined events and/or imminence of predetermined events, and then blocking or controlling those events from their incipency

and points to col. 14, lines 1-6, of FARRIS et al. for support (final Office Action, pp. 9, 10, and 32). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit

that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a maximum call attempt rate limit feature into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum call attempt rate limit feature. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 7 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and FARRIS et al. is improper. Accordingly, Appellants request that the rejection be reversed.

2. Claim 22.

Claim 22 depends from claim 18. The disclosure of FARRIS et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 18. Therefore, Appellants submit that claim 22 is patentable over BUYUKKOC et al. and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 18. Moreover, this claim is patentable over BUYUKKOC et al. and FARRIS et al. for reasons of their own.

Claim 22 recites that the particular policy feature of a plurality of policy features that is

associated with a policy profile comprises a maximum call attempt rate limit feature for monitoring the number of Setup messages received from the party over a predetermined period of time. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on col. 14, lines 1-12, and col. 11, lines 5-56, of FARRIS et al. for allegedly disclosing a maximum call attempt rate limit (final Office Action, p. 10). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 22.

Claim 22 specifically recites that the particular policy feature comprises a maximum call attempt rate limit feature for monitoring the number of Setup messages received from the party over a predetermined period of time. Claim 22 depends indirectly from claim 14, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that FARRIS et al. allegedly discloses a maximum call attempt rate limit does not address the features recited in claim 22. That is, the Examiner does not allege, and FARRIS et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum call attempt rate limit feature for monitoring the number of Setup messages received from the party over a predetermined period of time. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 22.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide acceptable/maximum specified rate of call attempts and monitoring process, as taught by Farris in the system of Buyukkoc, so that it would can detect the predetermined events and/or imminence of predetermined events, and then blocking or controlling those events from their incipency

and points to col. 14, lines 1-6, of FARRIS et al. for support (final Office Action, pp. 9-10).

Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a maximum call attempt rate limit feature into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum call attempt rate limit feature for monitoring the number of Setup messages received from the party over a predetermined period of time. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 22 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and FARRIS et al. is improper. Accordingly,

Appellants request that the rejection be reversed.

E. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062) and VANDERVORT et al. (U.S. Patent No. 5,761,191) should be reversed.

1. Claim 10.

Claim 10 depends from claim 5. The disclosure of VANDERVORT et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 5. Therefore, Appellants submit that claim 10 is patentable over BUYUKKOC et al. and VANDERVORT et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 5. Moreover, this claim is patentable over BUYUKKOC et al. and VANDERVORT et al. for reasons of their own.

Claim 10 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a maximum burst size limit feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on col. 6, lines 8-11, of VANDERVORT et al. for allegedly disclosing a maximum burst size limit feature (final Office Action, p. 11). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 10.

Claim 10 specifically recites that the particular policy feature comprises a maximum burst size limit feature. Claim 10 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that VANDERVORT et al. allegedly discloses a maximum burst size limit feature does not address the features recited in claim 10. That is, the Examiner does not allege, and VANDERVORT et al. does not disclose or suggest, a

policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum burst size limit feature. The Examiner has not established a *prima facie* case of obviousness with respect to claim 10.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide limited/maximum burst size, as taught by VanDervort in the system of Buyukkoc, so that it would control the flow of traffic and maximize the utilization of network resources

and points to col. 6, lines 1-3, of VANDERVORT et al. for support (final Office Action, pp. 11 and 34). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a maximum burst size limit feature into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that the routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a

plurality of policy features, which comprises a particular policy feature comprising a maximum burst size limit feature. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 10 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and VANDERVORT et al. is improper. Accordingly, Appellants request that the rejection be reversed.

F. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062) and HORN et al. (U.S. Patent No. 5,276,676) should be reversed.

1. Claim 10.

Claim 10 depends from claim 5. The disclosure of HORN et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 5. Therefore, Appellants submit that claim 10 is patentable over BUYUKKOC et al. and HORN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 5. Moreover, this claim is patentable over BUYUKKOC et al. and HORN et al. for reasons of their own.

Claim 10 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a maximum burst size limit feature. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on col. 2, lines 29-30, of HORN et al. for allegedly disclosing a maximum burst size limit/threshold feature (final Office Action, p. 11). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 10.

Claim 10 specifically recites that the particular policy feature comprises a maximum burst

size limit feature. Claim 10 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that HORN et al. allegedly discloses a maximum burst size limit/threshold feature does not address the features recited in claim 10. That is, the Examiner does not allege, and HORN et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum burst size limit feature. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 10.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide maximum burst length threshold, as taught by Horn in the system of Buyukkoc, so that it would avoid overflow problem due to long bursts

and points to col. 1, lines 25-34, of HORN et al. for support (final Office Action, pp. 11, 34, and 35). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the

art would change the very operation of the BUYUKKOC et al. system to include a maximum burst size limit feature into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum burst size limit feature. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 10 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and HORN et al. is improper. Accordingly, Appellants request that the rejection be reversed.

G. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062) and BASSO et al. (U.S. Patent No. 6,633,539) should be reversed.

1. Claim 13.

Claim 13 depends from claim 5. The disclosure of BASSO et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 5. Therefore, Appellants submit that claim 13 is patentable over BUYUKKOC et al. and BASSO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 5. Moreover, this claim is patentable over BUYUKKOC et al. and BASSO et al. for reasons of their own.

Claim 13 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a maximum concurrent call limit feature. The

Examiner appears to admit that BUYUKKOC et al. does not disclose this feature and relies on col. 4, lines 25-35, of BASSO et al. for allegedly disclosing a maximum concurrent call limit feature (final Office Action, pp. 11-12). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 13.

Claim 13 specifically recites that the particular policy feature comprises a maximum concurrent call limit feature. Claim 13 depends indirectly from claim 1, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that BASSO et al. allegedly discloses a maximum concurrent call limit feature does not address the features recited in claim 13. That is, the Examiner does not allege, and BASSO et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum concurrent call limit feature. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 13.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide maximum concurrent connection, as taught by Basso in the system of Buyukkoc, so that it would control concurrent connections/calls to provide efficient protection against signaling congestion

and points to col. 2, lines 35-45, of BASSO et al. for support (final Office Action, p. 12).

Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir.

2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a maximum concurrent call limit feature into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum concurrent call limit feature. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 13 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and BASSO et al. is improper. Accordingly, Appellants request that the rejection be reversed.

2. Claim 38.

Claim 38 depends from claim 18. The disclosure of BASSO et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 18. Therefore, Appellants submit that claim 38 is patentable over BUYUKKOC et al. and BASSO et al., whether taken alone or in any reasonable combination, for at least the reasons given above

with respect to claim 18. Moreover, this claim is patentable over BUYUKKOC et al. and BASSO et al. for reasons of their own.

Claim 38 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a maximum concurrent call limit feature for specifying the total number of calls allowed concurrently with respect to a network port used by the party. The Examiner appears to admit that BUYUKKOC et al. does not disclose this feature and relies on col. 4, lines 25-35, of BASSO et al. for allegedly disclosing a maximum concurrent call limit feature (final Office Action, p. 12). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 38.

Claim 38 specifically recites that the particular policy feature comprises a maximum concurrent call limit feature for specifying the total number of calls allowed concurrently with respect to a network port used by the party. Claim 38 depends indirectly from claim 14, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that BASSO et al. allegedly discloses a maximum concurrent call limit feature does not address the features recited in claim 38. That is, the Examiner does not allege, and BASSO et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum concurrent call limit feature for specifying the total number of calls allowed concurrently with respect to a network port used by the party. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 38.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide maximum concurrent connection, as taught by Basso in the system of Buyukkoc, so that it would control concurrent connections/calls to provide efficient protection against signaling congestion

and points to col. 2, lines 35-45, of BASSO et al. for support (final Office Action, p. 12).

Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a maximum concurrent call limit feature for specifying the total number of calls allowed concurrently with respect to a network port used by the party into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum concurrent call limit feature for specifying the total number of calls allowed concurrently with respect to a network port used by the party. Appellants submit that the

Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 38 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and BASSO et al. is improper. Accordingly, Appellants request that the rejection be reversed.

H. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062), CHRISTIE et al. (U.S. Patent No. 6,690,656), and GAI et al. (U.S. Patent No. 6,167,445) should be reversed.

1. Claim 24.

Claim 24 depends from claim 23. The disclosure of GAI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and CHRISTIE et al. set forth above with respect to claim 23. Therefore, Appellants submit that this claim is patentable over BUYUKKOC et al., CHRISTIE et al., and GAI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 23.

2. Claim 26.

Claim 26 depends from claim 25. The disclosure of GAI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and CHRISTIE et al. set forth above with respect to claim 25. Therefore, Appellants submit that this claim is patentable over BUYUKKOC et al., CHRISTIE et al., and GAI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 25.

I. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062) and KOBAYASHI et al. (U.S. Patent No. 5,896,371) should be reversed.

1. Claims 27-29.

Claim 27 depends from claim 18. The disclosure of KOBAYASHI et al. does not remedy

the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 18. Therefore, Appellants submit that this claim is patentable over BUYUKKOC et al. and KOBAYASHI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 18. Moreover, this claim is patentable over BUYUKKOC et al. and KOBAYASHI et al. for reasons of its own.

Claim 27 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a maximum burst size limit feature for limiting a burst-size request associated with the call. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on Fig. 6, and col. 12, line 55 to col. 13, line 35, of KOBAYASHI et al. for allegedly disclosing a maximum burst size limit feature (final Office Action, p. 14). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 27.

Claim 27 specifically recites that the particular policy feature comprises a maximum burst size limit feature for limiting a burst-size request associated with the call. Claim 27 depends indirectly from claim 14, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that KOBAYASHI et al. allegedly discloses a maximum burst size limit feature does not address the features recited in claim 27. That is, the Examiner does not allege, and KOBAYASHI et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum burst size limit feature for limiting a burst-size request associated with the call. Thus, the Examiner has not established a *prima facie* case of obviousness with

respect to claim 27.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to limit the number of cells transmitted in each call, as taught by Kobayashi in the system of Buyukkoc, so that it would provide a flow control performed cooperatively by the network and the terminal equipment and call accepted control is simplified

and points to col. 7, lines 46-52, and col. 8, lines 40-45, of KOBAYASHI et al. for support (final Office Action, pp. 14-15). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a maximum burst size limit feature for limiting a burst-size request associated with the call into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a maximum burst size limit feature for

limiting a burst-size request associated with the call. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 27 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and KOBAYASHI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

Claims 28 and 29 depend from claim 27. Therefore, Appellants request that the rejection of these claims under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and KOBAYASHI et al. be reversed for at least the reasons given above with respect to claim 27.

J. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062) and SMITH et al. (U.S. Patent No. 6,222,823) should be reversed.

1. Claim 30.

Claim 30 depends from claim 18. The disclosure of SMITH et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 18. Therefore, Appellants submit that claim 30 is patentable over BUYUKKOC et al. and SMITH et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 18.

K. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062) and KILKKI et al. (U.S. Patent No. 6,041,039) should be reversed.

1. Claim 32.

Claim 32 depends from claim 31. The disclosure of KILKKI et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 31. Therefore, Appellants submit that claim 32 is patentable over BUYUKKOC et al. and KILKKI et

al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 31. Moreover, this claim is patentable over BUYUKKOC et al. and KILKKI et al. for reasons of its own.

Claim 32 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises a constant bit-rate (CBR) service. The Examiner appears to rely on col. 1, lines 50-60, of BUYUKKOC et al. for allegedly disclosing this feature (final Office Action, p. 16). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

At col. 1, lines 50-60, BUYUKKOC et al. discloses:

... ATM implementation that creates circuit connections, the logical and physical network separation may or may not be maintained. Voice calls in such a network may be treated as ATM virtual circuits, which may be either Constant Bit Rate (CBR) or Variable Bit Rate (VBR) arrangements, depending on the voice coding scheme. These virtual circuits may be set up using standardized ATM setup procedures and routing protocols - as, for example, in the Private Network-to-Network Interface (PNNI) specification. However, the standard procedures of an ATM network require the ATM switches in the network to perform a substantial amount of ...

This section of BUYUKKOC et al., which corresponds to the background section of BUYUKKOC et al., discloses that voice calls in an ATM network may be treated as ATM virtual circuits, which may be a CBR arrangement, depending on the voice coding scheme. This section of BUYUKKOC et al. does not disclose or suggest the particular policy feature of a plurality of policy features that is associated with a policy profile (that is included in a policy server) comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises a CBR service, as recited in claim 32.

For at least the foregoing reasons, Appellants submit that the rejection of claim 32 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and KILKKI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

2. Claims 33-35.

Claim 33 depends from claim 31. The disclosure of KILKKI et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 31. Therefore, Appellants submit that claim 33 is patentable over BUYUKKOC et al. and KILKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 31. Moreover, this claim is patentable over BUYUKKOC et al. and KILKKI et al. for reasons of its own.

Claim 33 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises a variable bit-rate (VBR) service. The Examiner appears to rely on col. 1, lines 50-60, of BUYUKKOC et al. for allegedly disclosing this feature (final Office Action, p. 16). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

Col. 1, lines 50-60, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al., which corresponds to the background section of BUYUKKOC et al., discloses that voice calls in an ATM network may be treated as ATM virtual circuits, which may be a VBR arrangement, depending on the voice coding scheme. This section of BUYUKKOC et al. does not disclose or suggest the particular policy feature of a plurality of policy features that is associated with a policy profile (that is included in a policy server) comprises a service class

selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises a VBR service, as recited in claim 33.

For at least the foregoing reasons, Appellants submit that the rejection of claim 33 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and KILKKI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

Claims 34 and 35 depend from claim 33. Therefore, Appellants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and KILKKI et al. be reversed for at least the reasons given above with respect to claim 33.

3. Claim 36.

Claim 36 depends from claim 31. The disclosure of KILKKI et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 31. Therefore, Appellants submit that this claim is patentable over BUYUKKOC et al. and KILKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 31. Moreover, this claim is patentable over BUYUKKOC et al. and KILKKI et al. for reasons of its own.

Claim 36 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an unspecified bit-rate (UBR) service. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on col. 1, lines 54-67, of KILKKI et al. for allegedly disclosing a UBR service (final Office Action, pp. 16-17). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 36.

Claim 36 specifically recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an unspecified bit-rate (UBR) service. Claim 36 depends indirectly from claim 14, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that KILKKI et al. allegedly discloses a UBR service does not address the feature recited in claim 36. That is, the Examiner does not allege, and KILKKI et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises a UBR service. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 36.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide quality of service class defined by ATM standard, as taught by Kobayashi in the system of Buyukkoc, so that it would provide a capability to manage increase in network load, supporting both real-time and non-real time application, and offering, in certain circumstances, a guaranteed level of service quality; see Kilkki col. 1, line 44-53, also by using the ATM standard services, it will enable the service provider to interoperate between multi-vendor networks

(final Office Action, p. 17). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007)

(citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises a UBR service into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises a UBR service. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 36 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and KOBAYASHI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

4. Claim 37.

Claim 37 depends from claim 31. The disclosure of KILKKI et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 31.

Therefore, Appellants submit that this claim is patentable over BUYUKKOC et al. and KILKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 31. Moreover, this claim is patentable over BUYUKKOC et al. and KILKKI et al for reasons of its own.

Claim 37 recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an available bit-rate (ABR) service. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on col. 1, lines 54-67, of KILKKI et al. for allegedly disclosing a ABR service (final Office Action, pp. 16-17). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 37.

Claim 37 specifically recites that the particular policy feature of a plurality of policy features that is associated with a policy profile comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an ABR service. Claim 37 depends indirectly from claim 14, which recites that the particular policy feature is part of the plurality of policy features that is associated with a policy profile that is included in a policy server. The Examiner's allegations that KILKKI et al. allegedly discloses an ABR service does not address the feature recited in claim 37. That is, the Examiner does not allege, and KILKKI et al. does not disclose or suggest, a policy server that includes at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an ABR

service. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 37.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide quality of service class defined by ATM standard, as taught by Kobayashi in the system of Buyukkoc, so that it would provide a capability to manage increase in network load, supporting both real-time and non-real time application, and offering, in certain circumstances, a guaranteed level of service quality; see Kilkki col. 1, line 44-53, also by using the ATM standard services, it will enable the service provider to interoperate between multi-vendor networks

(final Office Action, p. 17). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

Moreover, the Examiner's motivation statement does not explain why one skilled in the art would change the very operation of the BUYUKKOC et al. system to include a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an ABR service into the routing status database, which the Examiner alleges corresponds to the recited policy server. As indicated above, BUYUKKOC et al. discloses that routing status database contains routing information. BUYUKKOC et al. does

not disclose or suggest a desire to change the routing status database to include at least one policy profile associated with a plurality of policy features, which comprises a particular policy feature comprising a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an ABR service. Appellants submit that the Examiner's motivation is based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 37 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and KILKKI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

L. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062) and GAI et al. (U.S. Patent No. 6,167,445) should be reversed.

1. Claims 39-43, 45, and 50.

Independent claim 39 is directed to a computer-readable medium operable with an Asynchronous Transfer Mode (ATM) network node, where the computer-readable medium carries a sequence of instructions provided for executing service logic which, when executed by a processing entity associated with the ATM network node, causes the ATM network node to perform a method. The method includes upon receiving in the ATM network node a signaling message with respect to a call from a party, propagating the signaling message to a policy server operably associated with the ATM network node; and upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, effectuating a treatment for the call based on said particular policy feature, the particular policy feature including at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the

group of subscribers. BUYUKKOC et al. and GAI et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, BUYUKKOC et al. and GAI et al. do not disclose or suggest upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, effectuating a treatment for the call based on the particular policy feature, the particular policy feature including at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers. The Examiner relies on steps 850, 860, and 870 of Fig. 8, steps 1045, 1050, and 1055 of Fig. 10, col. 14, lines 1-65, col. 19, lines 35-50, and col. 21, lines 40-50, of BUYUKKOC et al. for allegedly disclosing effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message (final Office Action, pp. 18 and 38). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

Step 850 in Fig. 8 of BUYUKKOC et al. corresponds to the step of sending the identity of the route from the route status database to an edge node. This step in BUYUKKOC et al. in no way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, where the particular policy feature includes at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as recited in claim 39.

Step 860 in Fig. 8 of BUYUKKOC et al. corresponds to the step of receiving the identity of the route from the route status database at the edge node. This step in BUYUKKOC et al. in

no way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, where the particular policy feature includes at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as recited in claim 39.

Step 870 in Fig. 8 of BUYUKKOC et al. corresponds to the step of routing the call, via the edge node, on the route selected by the route status database. This step in BUYUKKOC et al. in no way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, where the particular policy feature includes at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as recited in claim 39.

Step 1045 in Fig. 10 of BUYUKKOC et al. corresponds to the step of sending a message to switch 922 that identifies a particular virtual channel identifier. This step in BUYUKKOC et al. in no way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, where the particular policy feature includes at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as recited in claim 39.

Step 1050 in Fig. 10 of BUYUKKOC et al. corresponds to the step of receiving the message at switch 922 and mapping a first virtual path identifier/virtual channel identifier to a second virtual path identifier/virtual channel identifier. This step in BUYUKKOC et al. in no

way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, where the particular policy feature includes at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as recited in claim 39.

Step 1055 in Fig. 10 of BUYUKKOC et al. corresponds to the step of routing the call from the switch 924 to a user. This step in BUYUKKOC et al. in no way relates to effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, where the particular policy feature includes at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as recited in claim 39.

Col. 14, lines 1-65, of BUYUKKOC et al. discloses:

Edge nodes 720 may send a query to an RRSDS 740 to determine how to route a new call, or route congestion databases may be maintained at each edge node 720. The total bandwidth usage on each α -link and β -link may be calculated based on reports of contributions from each edge node, or may be measured directly by an edge node 720 and/or backbone ATM switch 710 to which the link in question is connected.

Routing Status Database Content

For each (source, destination) pair in the network, the RSD contains some or all of the following information. Depending on the needs and size of the network, a "destination" could be a terminating switch or it could be a trunk group or virtual path. Connectivity information regarding the set of routes that can be used to interconnect the source and destination. Information about alternate routes. Information on the capacity of each route in the network. Status of all of the routes in the network. Status could be in the form of free or available capacity or utilization on each link, or could be a status indicator such as "lightly loaded", "heavily loaded", "extreme congestion". The data needed to manage routing

features responsible for distributing load to multiple physical destinations based on some rule or logic.

Tables VII-IX show a sample RSD for the network of FIGS. 1-5. The Tables show information for only a limited number of routes, whereas a real RSD would have more complete information. In particular, if there are k routes between each pair of edge nodes and n edge nodes in the network, the total number of rows in the Route Status Table (Table IX) is $kn(n-1)/2$. The α -link, β -link, source, destination, and VPI numbers of Tables VII-IX refer to the reference numbers of FIGS. 1-5.

Table VII contains the current usage of each α -link. Table VII also contains two congestion thresholds for each link, which define three congestion status ranges -- referred to as "green," "yellow," and "red," in increasing order of congestion. A status of "green" may mean that the route has plenty of capacity left and that new calls can be routed there with no difficulty. A status of "yellow" may mean that the link is beginning to get congested and that alternate routes should be used if available. A status of "red" may mean to avoid using the route if at all possible. For example, if a call arrives and all its possible paths are "red," the call may be blocked, depending upon its priority. For example, α -link 214 has a "green" congestion status when the usage is not greater than 1.4 Gbps, a "yellow" congestion status when the usage is greater than 1.4 Gbps and not greater than 1.8 Gbps, and a "red" congestion status when the usage is greater than 1.8 Gbps. The current usage of α -link 214 is 1.312 Gbps, so the congestion status is "green." The current usage and congestion status of each link are periodically updated. It may be desirable to define different congestion thresholds for different links, due to factors such as different capacities and different expected usage volumes. In addition, it is preferable to incorporate a safety margin of additional capacity into the thresholds, because there is some potential for the information in the RSD to be slightly inaccurate or outdated. While Table VII only shows 2 congestion thresholds that define 3 congestion status for each link, many more thresholds and congestion status may be defined to allow for load balancing, overload control, and priorities for different quality-of-service traffic.

Table VIII gives the status of the β -links in the network. The information in Table VIII is similar to that in Table VII, but applies to β -links instead of α -links.

This section of BUYUKKOC et al. discloses that RSD server 730 contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the

routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic (see, for example, col. 14, lines 9-25). This section of BUYUKKOC et al. does not disclose or suggest RSD server 730 or any other device effectuates a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, where the particular policy feature includes at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as recited in claim 39. In fact, this section of BUYUKKOC et al. does not relate to policy conditions and policy features.

At col. 19, lines 35-50, BUYUKKOC et al. discloses:

In a fourth step 840, RSD 804 selects a route for the call, based on the source and destination information, as well as the congestion status of potential routes. This selection may be made using a method similar to Method 8, 9 or 10, as described above. The priority of the call may also be considered in selecting the route. Using the routing scheme of the first embodiment, the selected route may be uniquely identified by a VPI.

In a fifth step 850, RSD 804 sends the identity of the selected route to edge node 802.

In a sixth step 860, edge node 802 receives the identity of the selected route.

In a seventh step 870, edge node 802 sets up the call on the selected route.

Preferably, the call is set up in accordance with the procedures described in the third group of embodiments.

This section of BUYUKKOC et al. discloses that selection of a route for a call can be made based on source and destination information, congestion status of potential routes, and priority information. This section of BUYUKKOC et al. does not disclose or suggest effectuating a treatment for a call upon determining that a policy condition associated with a particular policy

feature to be invoked is satisfied with respect to the signaling message, where the particular policy feature includes at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as recited in claim 39. In fact, this section of BUYUKKOC et al. does not relate to policy conditions and policy features.

At col. 21, lines 40-50, BUYUKKOC et al. discloses:

In an eleventh step 1055, ATM switch 924 routes the call to user 904 via TDM trunk 934 and TDM switch 914, using techniques known to the art.

In a twelfth step 1060, after the call is answered in accordance with techniques known to the art, ATM switch 922 receives voice data from user 902 and sends it in ATM packets to ATM switch 924 using VPI/VC I X/a, which then sends the voice data to user 904. Similarly, ATM switch 924 receives voice data from user 904 and sends it in ATM packets to ATM switch 922 using VPI/VC I Y/b, which then sends the voice data to user 902.

This section of BUYUKKOC et al. discloses the transmission of ATM packets after a call is answered. This section of BUYUKKOC et al. does not disclose or suggest effectuating a treatment for a call upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to the signaling message, where the particular policy feature includes at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as recited in claim 39. In fact, this section of BUYUKKOC et al. does not relate to policy conditions and policy features.

The disclosure of GAI et al. does not remedy the above deficiencies in the disclosure of BUYUKKOC et al.

The Examiner relies on GAI et al. for allegedly disclosing destination address screening

and source address screening (final Office Action, p. 18). Appellants submit that one skilled in the art would not have been motivated to incorporate this alleged teaching of GAI et al. into the BUYUKKOC et al. system, absent impermissible hindsight. With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide one of a destination screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers, as taught by Gai in the system of Buyukkoc, so that it would ability to allocate network services and resources by applying high-level quality of service policies

(final Office Action, pp. 18, 19, 39, and 40). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 39 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and GAI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

Claims 40-43, 45, and 50 depend from claim 39. Therefore, Appellants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and GAI et al. be reversed for at least the reasons given above with respect to claim 39.

2. Claim 58.

Claim 58 depends from claim 45. Therefore, Appellants submit that claim 58 is patentable over BUYUKKOC et al. and GAI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45. Moreover, this claim is patentable over BUYUKKOC et al. and GAI et al. for reasons of its own.

Claim 58 recites that the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party. The Examiner relies on col. 10, lines 50-55, col. 18, lines 26-45, col. 20, lines 1-10, and element 932 in Fig. 9 of BUYUKKOC et al. for allegedly disclosing the above feature of claim 58 (final Office Action, p. 20). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

Col. 10, lines 50-55, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al. discloses that the RSD performs out-of-network routing, class-of-service, and capacity management in a packet transport network. This section of BUYUKKOC et al. does not disclose or suggest effectuating a treatment for a call based on a particular policy feature, where the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, as recited in claim 58.

Col. 18, lines 26-45, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al. discloses an originating edge node passing a class-of-service indicator to the RSD. This section of BUYUKKOC et al. does not disclose or suggest effectuating a treatment for a call based on a particular policy feature, where the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used

by the party, as recited in claim 58.

Col. 20, lines 1-10, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al. discloses ATM switches 922 and 924 that are adapted to terminate TDM trunks 932, 934, 936, and 938. This section of BUYUKKOC et al. does not disclose or suggest effectuating a treatment for a call based on a particular policy feature, where the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, as recited in claim 58.

Element 932 in Fig. 9 of BUYUKKOC et al. corresponds to a TDM trunk. BUYUKKOC et al. does not disclose or suggest that TDM trunk 932 effectuates a treatment for a call based on a particular policy feature, where the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, as recited in claim 58.

For at least the foregoing reasons, Appellants submit that the rejection of claim 58 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and GAI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

M. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062), GAI et al. (U.S. Patent No. 6,167,445), and NOAKE et al. (U.S. Patent No. 6,751,222) should be reversed.

1. Claim 44.

Claim 44 depends from claim 39. The disclosure of NOAKE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 39. Therefore, Appellants submit that claim 44 is patentable over BUYUKKOC et al., GAI et al., and NOAKE et al., whether taken alone or in any reasonable combination, for at least

the reasons given above with respect to claim 39. Moreover, this claim is patentable over BUYUKKOC et al., GAI et al., and NOAKE et al. for reasons of its own.

Claim 44 recites that the signaling message comprises a Release message. The Examiner admits that BUYUKKOC et al. and GAI et al. do not disclose this feature (final Office Action, p. 20). The Examiner relies on Fig. 4 and col. 8, lines 9-39, of NOAKE et al. for allegedly disclosing a signaling message that comprises a Release message (final Office Action, p. 20). While these sections of NOAKE et al. appear to disclose a Release message, Appellants submit that claim 44 includes more than the mere recitation of a Release message. Claim 44, which includes the features of claim 39, recites, *inter alia*, propagating a signaling message, which comprises a Release message, to a policy server operably associated with an ATM network node that received the signaling message. NOAKE et al. in no way discloses or suggests these features. Instead, NOAKE et al. merely discloses the transmission of a Release message to an ATM network 220 (col. 8, lines 25-39).

Even assuming, for the sake of argument, that NOAKE et al. could reasonably be construed as disclosing propagating a signaling message, which comprises a Release message, to a policy server operably associated with an ATM network node that received the signaling message (a point that Appellants do not concede), Appellants submit that one skilled in the art would not have been motivated to incorporate this alleged feature of NOAKE et al. into the BUYUKKOC et al. system, absent impermissible hindsight. With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide a release message, as taught by Noake in the combined system of Buyukkoc and Gai, so that it would make effective use of a band and the respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell

assembling and disassembling processes and points to col. 2, lines 55-64, and col. 8, lines 19-24, of NOAKE et al. for support (final Office Action, p. 20). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 44 under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and NOAKE et al. is improper. Accordingly, Appellants request that the rejection be reversed.

N. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062), GAI et al. (U.S. Patent No. 6,167,445), and CHRISTIE et al. (U.S. Patent No. 6,690,656) should be reversed.

I. Claims 46-48.

Claims 46-48 depend from claim 39. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 39. Therefore, Appellants submit that claims 46-48 are patentable over BUYUKKOC et al., GAI et al., and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

- O. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062), GAI et al. (U.S. Patent No. 6,167,445), and FARRIS et al. (U.S. Patent No. 6,154,445) should be reversed.**

1. Claim 49.

Claim 49 depends from claim 45. The disclosure of FARRIS et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 45. Therefore, Appellants submit that claim 49 is patentable over BUYUKKOC et al., GAI et al., and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45. Moreover, this claim is patentable over BUYUKKOC et al., GAI et al., and FARRIS et al. for reasons of its own.

Claim 49 recites that the particular policy feature comprises a maximum call attempt rate limit feature for monitoring the number of Setup messages received from said party over a predetermined period of time. The Examiner admits that BUYUKKOC et al. and GAI et al. do not disclose this feature and relies on col. 14, lines 1-12, and col. 11, lines 5-56, of FARRIS et al. for allegedly disclosing a maximum call attempt rate limit (final Office Action, p. 21). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 49.

Claim 49 recites that the particular policy feature comprises a maximum call attempt rate limit feature for monitoring the number of Setup messages received from the party over a predetermined period of time. Claim 49 depends indirectly from claim 39, which recites effectuating a treatment for the call based on the particular policy feature. The Examiner's allegations that FARRIS et al. allegedly discloses a maximum call attempt rate limit does not address the feature recited in claim 49. That is, the Examiner does not allege, and FARRIS et al.

does not disclose or suggest, effectuating a treatment for the call based on the particular policy feature, which comprises a maximum call attempt rate limit feature for monitoring the number of Setup messages received from the party over a predetermined period of time. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 49.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide acceptable/maximum specified rate of call attempts and monitoring process, as taught by Farris in the combined system of Buyukkoc and Gai, so that it would can detect the predetermined events and/or imminence of predetermined events, and then blocking or controlling those events from their incipency

and points to col. 14, lines 1-6, of FARRIS et al. for support (final Office Action, p. 22).

Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 49 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI et al., and FARRIS et al. is improper. Accordingly, Appellants request that the rejection be reversed.

P. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S.

Patent No. 6,463,062), GAI et al. (U.S. Patent No. 6,167,445), and KOBAYASHI et al. (U.S. Patent No. 5,896,371) should be reversed.

1. Claims 54-56.

Claims 54-56 depend from claim 45. The disclosure of KOBAYASHI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 45. Therefore, Appellants submit that claim 54-56 are patentable over BUYUKKOC et al., GAI et al., and KOBAYASHI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45.

- Q. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062), GAI et al. (U.S. Patent No. 6,167,445), and BASSO et al. (U.S. Patent No. 6,633,539) should be reversed.**

1. Claim 57.

Claim 57 depends from claim 45. The disclosure of SMITH et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 45. Therefore, Appellants submit that claims 57 is patentable over BUYUKKOC et al., GAI et al., and SMITH et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45.

- R. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062), GAI et al. (U.S. Patent No. 6,167,445), and KILKKI et al. (U.S. Patent No. 6,041,039) should be reversed.**

1. Claim 59.

Claim 59 depends from claim 58. The disclosure of KILKKI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 58. Therefore, Appellants submit that claim 59 is patentable over BUYUKKOC et al.,

GAI et al., and KILKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 58. Moreover, this claim is patentable over BUYUKKOC et al., GAI et al., and KILKKI et al. for reasons of its own.

Claim 59 recites that service class comprises a constant bit-rate (CBR) service. The Examiner appears to rely on col. 1, lines 50-60, of BUYUKKOC et al. for allegedly disclosing this feature (final Office Action, p. 25). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

Col. 1, lines 50-60, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al., which corresponds to the background section of BUYUKKOC et al., discloses that voice calls in an ATM network may be treated as ATM virtual circuits, which may be a CBR arrangement, depending on the voice coding scheme. This section of BUYUKKOC et al. does not disclose or suggest the particular policy feature (on which effectuating a treatment for a call is based) comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises a CBR service, as recited in claim 59.

For at least the foregoing reasons, Appellants submit that the rejection of claim 59 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI et al., and KILKKI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

2. Claims 60-62.

Claim 60 depends from claim 58. The disclosure of KILKKI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 58. Therefore, Appellants submit that claim 60 is patentable over BUYUKKOC et al.,

GAI et al., and KILKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 58. Moreover, this claim is patentable over BUYUKKOC et al., GAI et al., and KILKKI et al. for reasons of its own.

Claim 60 recites that the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises a variable bit-rate (VBR) service. The Examiner appears to rely on col. 1, lines 50-60, of BUYUKKOC et al. for allegedly disclosing this feature (final Office Action, p. 25). Appellants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

Col. 1, lines 50-60, of BUYUKKOC et al. is reproduced above. This section of BUYUKKOC et al., which corresponds to the background section of BUYUKKOC et al., discloses that voice calls in an ATM network may be treated as ATM virtual circuits, which may be a VBR arrangement, depending on the voice coding scheme. This section of BUYUKKOC et al. does not disclose or suggest the particular policy feature (on which effectuating a treatment for a call is based) comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises a VBR service, as recited in claim 60.

For at least the foregoing reasons, Appellants submit that the rejection of claim 60 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI et al., and KILKKI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

Claims 61 and 62 depend from claim 60. Therefore, Appellants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) based on BUYUKKOC et al. and KILKKI et al. be reversed for at least the reasons given above with respect to claim 60.

3. Claim 63.

Claim 63 depends from claim 58. The disclosure of KILKKI et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 58. Therefore, Appellants submit that this claim is patentable over BUYUKKOC et al., GAI et al., and KILKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 58. Moreover, this claim is patentable over BUYUKKOC et al., GAI et al., and KILKKI et al for reasons of its own.

Claim 63 recites that the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an unspecified bit-rate (UBR) service. The Examiner admits that BUYUKKOC et al. and GAI et al. do not disclose this feature and relies on col. 1, lines 54-67, of KILKKI et al. for allegedly disclosing a UBR service (final Office Action, pp. 25-26). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 63.

Claim 63 specifically recites that the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an unspecified bit-rate (UBR) service. Claim 63 depends indirectly from claim 39, which recites effectuating a treatment for a call based on the particular policy feature. The Examiner's allegations that KILKKI et al. allegedly discloses a UBR service does not address the feature recited in claim 39. That is, the Examiner does not allege, and KILKKI et al. does not disclose or suggest, effectuating a treatment for a call based on the particular policy feature that comprises a service class selection feature for specifying a service

class with respect to a network port used by the party, where the service class comprises a UBR service. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 63.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide quality of service class defined by ATM standard, as taught by Kobayashi in the combined system of Buyukkoc and Gai, so that it would provide a capability to manage increase in network load, supporting both real-time and non-real time application, and offering, in certain circumstances, a guaranteed level of service quality; see Kilkki col. 1, line 44-53, also by using the ATM standard services, it will enable the service provider to interoperate between multi-vendor networks

(final Office Action, p. 26). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 63 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI et al., and KOBAYASHI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

4. Claim 64.

Claim 64 depends from claim 58. The disclosure of KILKKI et al. does not remedy the

deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 58. Therefore, Appellants submit that this claim is patentable over BUYUKKOC et al., GAI et al., and KILKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 58. Moreover, this claim is patentable over BUYUKKOC et al., GAI et al., and KILKKI et al for reasons of its own.

Claim 64 recites that the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an available bit-rate (ABR) service. The Examiner admits that BUYUKKOC et al. does not disclose this feature and relies on col. 1, lines 54-67, of KILKKI et al. for allegedly disclosing an ABR service (final Office Action, pp. 25-26). Appellants submit that the Examiner's allegation does not address the specifically recited features of claim 64.

Claim 64 specifically recites that the particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an ABR service. Claim 64 depends indirectly from claim 39, which recites effectuating a treatment for a call based on the particular policy feature. The Examiner's allegations that KILKKI et al. allegedly discloses an ABR service does not address the feature recited in claim 64. That is, the Examiner does not allege, and KILKKI et al. does not disclose or suggest, effectuating a treatment for a call based on the particular policy feature that comprises a service class selection feature for specifying a service class with respect to a network port used by the party, where the service class comprises an ABR service. Thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 64.

With respect to motivation, the Examiner alleges:

it would have been obvious ... to provide quality of service class defined by ATM standard, as taught by Kilkki in the combined system of Buyukkoc and Gai, so that it would provide a capability to manage increase in network load, supporting both real-time and non-real time application, and offering, in certain circumstances, a guaranteed level of service quality; see Kilkki col. 1, line 44-53, also by using the ATM standard services, it will enable the service provider to interoperate between multi-vendor networks

(final Office Action, p. 26). Appellants submit that the Examiner's allegation is merely a conclusory statement regarding an alleged benefit of the combination. Such motivation statements are insufficient for establishing a *prima facie* case of obviousness. In this respect, Appellants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. ____ (April 30, 2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Appellants submit that the Examiner's purported motivation to combine the cited references is merely conclusory and based on impermissible hindsight.

For at least the foregoing reasons, Appellants submit that the rejection of claim 64 under 35 U.S.C. § 103(a) based on BUYUKKOC et al., GAI et al., and KILKKI et al. is improper. Accordingly, Appellants request that the rejection be reversed.

S. The rejection under 35 U.S.C. § 103(a) based on BUYUKKOC et al. (U.S. Patent No. 6,463,062), GAI et al. (U.S. Patent No. 6,167,445), and BASSO et al. (U.S. Patent No. 6,041,039) should be reversed.

1. Claim 65.

Claim 65 depends from claim 45. The disclosure of BASSO et al. does not remedy the deficiencies in the disclosures of BUYUKKOC et al. and GAI et al. set forth above with respect to claim 45. Therefore, Appellants submit that claims 65 is patentable over BUYUKKOC et al.,

GAI et al., and BASSO et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 45.

VIII. CONCLUSION

In view of the foregoing arguments, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejections of claims 1-50 and 54-65 under 35 U.S.C. §§ 102 and 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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IX. CLAIM APPENDIX

1. An intelligent policy server method in an Asynchronous Transfer Mode (ATM) network having an ingress switch and an egress switch, wherein said ingress switch serves an ingress device operated by a calling party and said egress switch serves an egress device operated by a called party, comprising the steps of:

receiving, in said ingress switch, a signaling message from said ingress device;

providing said signaling message to a signaling intercept processor associated with said ingress switch;

propagating said signaling message to a policy server, said policy server including at least one policy profile associated with a plurality of policy features, each policy profile of the at least one policy profile being associated with a subscriber;

determining in said policy server, based at least in part on said signaling message, if a particular policy feature of the plurality of policy features is to be invoked;

if so, determining whether a policy condition associated with said particular policy feature is satisfied with respect to said signaling message; and

establishing a connection path between said ingress switch and said egress switch based on said determination that said policy condition is satisfied by said signaling message.

2. The intelligent policy server method in an ATM network as set forth in claim 1, wherein said signaling message comprises a Connect message.

3. The intelligent policy server method in an ATM network as set forth in claim 1,

wherein said signaling message comprises an Add Party message.

4. The intelligent policy server method in an ATM network as set forth in claim 1, wherein said signaling message comprises a Release message.

5. The intelligent policy server method in an ATM network as set forth in claim 1, wherein said signaling message comprises a Setup message.

6. The intelligent policy server method in an ATM network as set forth in claim 5, wherein said particular policy feature comprises a source address validation feature.

7. The intelligent policy server method in an ATM network as set forth in claim 5, wherein said particular policy feature comprises a maximum call attempt rate limit feature.

8. The intelligent policy server method in an ATM network as set forth in claim 5, wherein said particular policy feature comprises a destination address screening feature.

9. The intelligent policy server method in an ATM network as set forth in claim 5, wherein said particular policy feature comprises a source address screening feature.

10. The intelligent policy server method in an ATM network as set forth in claim 5, wherein said particular policy feature comprises a maximum burst size limit feature.

11. The intelligent policy server method in an ATM network as set forth in claim 5, wherein said particular policy feature comprises an aggregate bandwidth limit feature.

12. The intelligent policy server method in an ATM network as set forth in claim 5, wherein said particular policy feature comprises a service class selection feature.

13. The intelligent policy server method in an ATM network as set forth in claim 5, wherein said particular policy feature comprises a maximum concurrent call limit feature.

14. An Asynchronous Transfer Mode (ATM) network for effectuating intelligent policy features with respect to a call to be established between two parties via a virtual channel connection, comprising:

an ATM switch serving a customer premises equipment (CPE) operated by a party with respect to said call;

a signaling intercept processor associated with said ATM switch for intercepting a signaling message relative to said call; and

a policy server associated with said signaling intercept processor, said policy server including at least one policy profile associated with a plurality of policy features, the at least one policy profile being associated with a subscriber, wherein said policy server operates to effectuate a particular policy feature of the plurality of policy features with respect to said call when triggered by said signaling message received from said signaling intercept processor.

15. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 14, wherein said signaling message comprises a Connect message.

16. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 14, wherein said signaling message comprises an Add Party message.

17. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 14, wherein said signaling message comprises a Release message.

18. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 14, wherein said signaling message comprises a Setup message.

19. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 18, wherein said particular policy feature comprises a source address validation feature for ensuring that said party is an authorized party for accessing said ATM network through a particular network port associated with said CPE.

20. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 19, wherein said particular network port is a Customer Logical Port.

21. The ATM network for effectuating intelligent policy features with respect to a call

as set forth in claim 19, wherein said particular network port is a full physical port.

22. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 18, wherein said particular policy feature comprises a maximum call attempt rate limit feature for monitoring the number of Setup messages received from said party over a predetermined period of time.

23. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 18, wherein said particular policy feature comprises a destination address screening feature for defining a plurality of addresses to which said party can effectuate said call.

24. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 23, wherein said destination address screening feature is established for a group of subscribers to which said party belongs.

25. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 18, wherein said particular policy feature comprises a source address screening feature for defining a plurality of addresses from which said call can be initiated to said party.

26. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 25, wherein said source address screening feature is established for a group

of subscribers to which said party belongs.

27. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 18, wherein said particular policy feature comprises a maximum burst size limit feature for limiting a burst-size request associated with said call.

28. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 27, wherein said burst-size request comprises the number of packets per second allowed to be transmitted to said ATM network with respect to said call.

29. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 27, wherein said burst-size request comprises the number of packets per second allowed to be received by said party from said ATM network with respect to said call.

30. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 18, wherein said particular policy feature comprises an aggregate bandwidth limit feature for determining a maximum bandwidth allowable for a particular network port authorized for use by said party.

31. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 18, wherein said particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by said party.

32. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 31, wherein said service class comprises a constant bit-rate (CBR) service.

33. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 31, wherein said service class comprises a variable bit-rate (VBR) service.

34. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 33, wherein said VBR service is a real-time VBR service.

35. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 33, wherein said VBR service is a non-real-time VBR service.

36. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 31, wherein said service class comprises an unspecified bit-rate (UBR) service.

37. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 31, wherein said service class comprises an available bit-rate (ABR) service.

38. The ATM network for effectuating intelligent policy features with respect to a call as set forth in claim 18, wherein said particular policy feature comprises a maximum concurrent

call limit feature for specifying the total number of calls allowed concurrently with respect to a network port used by said party.

39. A computer-readable medium operable with an Asynchronous Transfer Mode (ATM) network node, said computer-readable medium carrying a sequence of instructions provided for executing service logic which, when executed by a processing entity associated with said ATM network node, causes said ATM network node to perform a method comprising:

upon receiving in said ATM network node a signaling message with respect to a call from a party, propagating said signaling message to a policy server operably associated with said ATM network node; and

upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to said signaling message, effectuating a treatment for said call based on said particular policy feature, the particular policy feature including at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers.

40. The computer-readable medium operable with an ATM network node as set forth in claim 39, wherein said treatment comprises establishing a virtual channel connection between said party and another party for said call.

41. The computer-readable medium operable with an ATM network node as set forth in claim 39, wherein said treatment comprises denying a virtual channel connection for said call.

42. The computer-readable medium operable with an ATM network node as set forth in claim 39, wherein said signing message comprises a Connect message.

43. The computer-readable medium operable with an ATM network node as set forth in claim 39, wherein said signing message comprises an Add Party message.

44. The computer-readable medium operable with an ATM network node as set forth in claim 39, wherein said signing message comprises a Release message.

45. The computer-readable medium operable with an ATM network node as set forth in claim 39, wherein said signing message comprises a Setup message.

46. The computer-readable medium operable with an ATM network node as set forth in claim 45, wherein said particular policy feature signing message comprises a source address validation feature for ensuring that said party is an authorized party for accessing said ATM network node through a particular network port associated therewith.

47. The computer-readable medium operable with an ATM network node as set forth in claim 46, wherein said particular network port is a Customer Logical Port.

48. The computer-readable medium operable with an ATM network node as set forth

in claim 46, wherein said particular network port is a full physical port.

49. The computer-readable medium operable with an ATM network node as set forth in claim 45, wherein said particular policy feature signing message comprises a maximum call attempt rate limit feature for monitoring the number of Setup messages received from said party over a predetermined period of time.

50. The computer-readable medium operable with an ATM network node as set forth in claim 45, wherein said particular policy feature comprises the destination address screening feature and the source address screening feature.

54. The computer-readable medium operable with an ATM network node as set forth in claim 45, wherein said particular policy feature comprises a maximum burst size limit feature for limiting a burst-size request associated with said call.

55. The computer-readable medium operable with an ATM network node as set forth in claim 54, wherein said burst-size request comprises the number of packets per second allowed to be transmitted to said ATM network node with respect to said call.

56. The computer-readable medium operable with an ATM network node as set forth in claim 54, wherein said burst-size request comprises the number of packets per second allowed to be received by said party from said ATM network node with respect to said call.

57. The computer-readable medium operable with an ATM network node as set forth in claim 45, wherein said particular policy feature comprises an aggregate bandwidth limit feature for determining a maximum bandwidth allowable for a particular network port authorized for use by said party.

58. The computer-readable medium operable with an ATM network node as set forth in claim 45, wherein said particular policy feature comprises a service class selection feature for specifying a service class with respect to a particular network port used by said party.

59. The computer-readable medium operable with an ATM network node as set forth in claim 58, wherein said service class comprises a constant bit-rate (CBR) service.

60. The computer-readable medium operable with an ATM network node as set forth in claim 58, wherein said service class comprises a variable bit-rate (VBR) service.

61. The computer-readable medium operable with an ATM network node as set forth in claim 60, wherein said VBR service is a real-time VBR service.

62. The computer-readable medium operable with an ATM network node as set forth in claim 60, wherein said VBR service is a non-real-time VBR service.

63. The computer-readable medium operable with an ATM network node as set forth in claim 58, wherein said service class comprises an unspecified bit-rate (UBR) service.

64. The computer-readable medium operable with an ATM network node as set forth in claim 58, wherein said service class comprises an available bit-rate (ABR) service.

65. The computer-readable medium operable with an ATM network node as set forth in claim 45, wherein said particular policy feature comprises a maximum concurrent call limit feature for specifying the total number of calls allowed concurrently with respect to a particular network port used by said party.

66. A memory structure for storing data usable in effectuating intelligent policy features in an Asynchronous Transfer Mode (ATM) network wherein said memory structure is operable with a processing entity associated with a policy server node disposed in said ATM network, comprising:

a data structure having a list of subscribers wherein said subscribers are authorized to access said ATM network to setup virtual channel connections for service;

each of said subscribers having an ATM address and a Customer Logical Port (CLP) ID associated therewith; and

a profile array associated with said subscribers wherein a policy feature record is populated for each subscriber with at least one policy feature which indicates a specific treatment for a call to be effectuated relative to said each subscriber.

67. The memory structure for storing data usable in effectuating intelligent policy features in an ATM network as set forth in claim 66, wherein said at least one policy feature is selected from the group consisting of: a source address validation feature, a maximum call attempt rate limit feature, a destination address screening feature, a source address screening feature, a maximum burst size limit feature, an aggregate bandwidth limit feature, a service class selection feature, and a maximum concurrent call limit feature.

68. The memory structure for storing data usable in effectuating intelligent policy features in an ATM network as set forth in claim 67, wherein said virtual channel connections comprise switched connections.

69. The memory structure for storing data usable in effectuating intelligent policy features in an ATM network as set forth in claim 68, wherein said at least one policy feature is invoked by a trigger received in a signaling message transmitted with respect to said call.

70. The memory structure for storing data usable in effectuating intelligent policy features in an ATM network as set forth in claim 69, wherein said signaling message comprises a Connect message.

71. The memory structure for storing data usable in effectuating intelligent policy features in an ATM network as set forth in claim 69, wherein said signaling message comprises

an Add Party message.

72. The memory structure for storing data usable in effectuating intelligent policy features in an ATM network as set forth in claim 69, wherein said signaling message comprises a Release message.

73. The memory structure for storing data usable in effectuating intelligent policy features in an ATM network as set forth in claim 69, wherein said signaling message comprises a Setup message.

74. A source address validation method operable in an Asynchronous Transfer Mode (ATM) network, comprising the steps of:

assigning a port ID to a Customer Logical Port (CLP) served by an ATM node disposed in said network;

associating a customer ID with said CLP wherein a plurality of addresses specified for said customer ID are authorized for use with said CLP;

upon receiving in said ATM node a signaling message from a user operating a customer premises equipment (CPE) through said CLP, determining if said CPE's address belongs to said plurality of addresses authorized for said CLP; and

if so, establishing a virtual channel connection through said ATM network for said user.

75. A method of restricting call connection attempts by a user in an Asynchronous Transfer Mode (ATM) network, comprising the steps of:

- specifying a limit on the number of call setup requests received over a predetermined period at a Customer Logical Port (CLP) served by an ATM node disposed in said network;
- receiving in said ATM node a signaling message from said user operating a customer premises equipment (CPE) through said CLP;
- determining if said limit on the number of call setup requests is exceeded by said signaling message in said predetermined period; and
- if said limit on the number of call setup requests is not exceeded by said signaling message in said predetermined period, establishing a virtual channel connection through said ATM network for said user.

76. A method of screening destination addresses in an Asynchronous Transfer Mode (ATM) network, comprising the steps of:

- defining a positive list of addresses to which a user is allowed to make call connections;
- defining a negative list addresses to which said user is not allowed to make call connections;
- receiving in an ATM node a signaling message from said user operating a customer premises equipment (CPE) through a Customer Logical Port served by said ATM node, said signaling message for attempting to setup a call connection to a called party;

determining if said called party's address belongs to said positive list of addresses;

and

if so, establishing said call connection through said ATM network for said user.

77. A method of screening source addresses in an Asynchronous Transfer Mode (ATM) network, comprising the steps of:

defining a positive list of addresses from which call connections are allowed to terminate to a user;

defining a negative list addresses from which call connections are not allowed to terminate to said user;

receiving in an ATM node a signaling message from a calling party operating a customer premises equipment (CPE) through a Customer Logical Port served by said ATM node, said signaling message for attempting to setup a call connection to said user;

determining if said calling party's address belongs to said positive list of addresses; and

if so, establishing said call connection through said ATM network for said user.

78. A method of restricting burst-size requests received for call connections in an Asynchronous Transfer Mode (ATM) network, comprising the steps of:

defining a forward burst-size limit allowed for an individual call connection established through a Customer Logical Port served by an ATM node disposed in said network;

defining a backward burst-size limit allowed for said individual call connection

established through said CLP;

receiving in said ATM node via said CLP a signaling message from a user with respect to a particular call connection, said signaling message including at least one of a forward burst-size request and a backward burst-size request;

determining if at least one of said forward burst-size request and said backward burst-size request exceeds said corresponding burst-size limit;

if so, denying said particular call connection through said ATM network for said user.

79. A class-of-service provisioning method for call connections in an Asynchronous Transfer Mode (ATM) network, comprising the steps of:

configuring a plurality of service classes for a Customer Logical Port served by an ATM node disposed in said network;

receiving in said ATM node via said CLP a signaling message from a user with respect to a particular call connection, said signaling message including a class-of-service request;

determining if said class-of-service request is allowed for said CLP;

if so, establishing said call connection through said ATM network for said user.

80. A method of restricting the number of concurrent active call connections in an Asynchronous Transfer Mode (ATM) network, comprising the steps of:

defining a concurrent call limit allowed for a Customer Logical Port served by an

ATM node disposed in said network;

receiving in said ATM node via said CLP a signaling message from a user with respect to a particular call connection;

determining if said concurrent call limit for said CLP would be exceeded by said signaling message;

if so, denying said particular call connection through said ATM network for said user.

81. A bandwidth control method operable in an Asynchronous Transfer Mode (ATM) network, comprising the steps of:

specifying a total forward bandwidth allocated for a Customer Logical Port (CLP) served by an ATM node disposed in said network;

specifying a total backward bandwidth allocated for said CLP;

receiving in said ATM node via said CLP a signaling message from a user with respect to a particular call connection, said signaling message including at least one of a service class request and a plurality of bandwidth parameters;

calculating at least one of a forward bandwidth request and a backward bandwidth request corresponding to said particular call connection;

applying an overbooking factor to at least of said forward bandwidth request and said backward bandwidth request calculated for said particular call connection, thereby-generating an adjusted forward bandwidth request and an adjusted backward bandwidth request;

computing a remaining bandwidth after accounting for bandwidth in use in each

direction;

comparing said adjusted forward bandwidth request and said adjusted backward bandwidth request to said remaining bandwidth in each direction; and

if said adjusted forward and backward bandwidth requests exceed said remaining bandwidth in each direction, establishing said particular call connection through said ATM network for said user.

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.